

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 646**  
**93RD GENERAL ASSEMBLY**

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Reported from the Committee on Local Government April 27, 2006 with recommendation that House Committee Substitute for Senate Committee Substitute for Senate Bill No. 646 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

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**AN ACT**

To repeal section 249.422, RSMo, and to enact in lieu thereof thirty-eight new sections relating to sewer districts, with an emergency clause.

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

Section A. Section 249.422, RSMo, is repealed and thirty-eight new sections enacted in lieu thereof, to be known as sections 204.600, 204.602, 204.604, 204.606, 204.608, 204.610, 204.612, 204.614, 204.616, 204.618, 204.620, 204.622, 204.624, 204.626, 204.628, 204.630, 204.632, 204.634, 204.636, 204.638, 204.640, 204.650, 204.652, 204.654, 204.656, 204.658, 204.660, 204.662, 204.664, 204.666, 204.668, 204.670, 204.672, 204.674, 249.422, 644.587, 644.588, and 644.589, to read as follows:

**204.600. Any common sewer district organized and existing under sections 204.250 to 204.270, and any sewer district organized and existing under chapter 249, RSMo, may be converted to a reorganized common sewer district under the provisions of sections 204.600 to 204.640. In addition, a reorganized common sewer district may be established as provided in sections 204.600 to 204.640. Once established, a reorganized common sewer district shall have all powers and authority of and applicable to a common sewer district organized and existing under sections 204.250 to 204.270 and applicable to a sewer district established under chapter 249, RSMo, which are not inconsistent or in conflict with sections 204.600 to 204.640.**

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.

**204.602. 1. Proceedings for the new formation of a reorganized common sewer district under sections 204.600 to 204.640 shall be substantially as follows: a petition in duplicate describing the proposed boundaries of the reorganized district sought to be formed, accompanied by a plat of the proposed district, shall first be filed with each county commission having jurisdiction in the geographic area the proposed district is situated. Such petition shall be ruled on by each county commission having jurisdiction within thirty days from the date of hearing the petition. If the petition for the reorganized district is rejected by any county commission having jurisdiction, no further action on the proposed district shall take place before the county commission which rejected the petition or the circuit court of that county in the county which rejected the petition. A petition in duplicate describing the proposed boundaries of the reorganized district sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk of the circuit court of the county wherein the proposed district is situated or with the clerk of the circuit court of the county having the largest acreage proposed to be included in the proposed district, in the event that the proposed district embraces lands in more than one county. Such petition, in addition to such boundary description, shall set forth an estimate of the number of customers of the proposed district, the necessity for the formation of the district, the probable cost of acquiring or constructing sanitary sewer improvements with the district, if appropriate, an approximation of the assessed valuation of taxable property within the district, whether the board of trustees shall be elected or appointed by the county commission, and such other information as may be useful to the court in determining whether or not the petition should be granted and a decree of incorporation entered. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding. The petition shall be signed by not less than fifty voters or property owners within the proposed district and shall request the incorporation of the territory therein described into a reorganized common sewer district. The petition shall be verified by at least one of the signers.**

**2. Upon filing, the petition shall be presented to the circuit court, and such court shall fix a date for a hearing on such petition, as provided in this section. The clerk of the court shall give notice of the petition filing in some newspaper of general circulation in the county in which the proceedings are pending. If the district extends into any other county, such notice also shall be published in some newspaper of general circulation in such other county. The notice shall contain a description of the proposed boundary lines of the district and the general purposes of the petition. The notice shall set forth the date fixed for the hearing on the petition, which shall not be less than fifteen nor more than twenty-one days after the date of the last publication of the notice, and shall be on some regular**

37 judicial day of the court that the petition is pending. Such notice shall be signed by the  
38 clerk of the circuit court and shall be published in three successive issues of a weekly  
39 newspaper or in a daily paper once a week for three consecutive weeks.

40 3. The court, for good cause shown, may continue the case or the hearing from time  
41 to time until final disposition.

42 4. Exceptions to the formation of a district, or to the boundaries outlined in the  
43 petition for incorporation, may be made by any voter or property owner within the  
44 proposed districts, provided that such exceptions are filed not less than five days prior to  
45 the date set for the hearing on the petition. Such exceptions shall specify the grounds upon  
46 which the exceptions are being made. If any such exceptions are filed, the court shall take  
47 them into consideration in passing upon the petition and also shall consider the evidence  
48 in support of the petition and in support of the exceptions made. Should the court find that  
49 the petition should be granted but that changes should be made in the boundary lines, it  
50 shall make such changes in the boundary lines as set forth in the petition as the court may  
51 deem proper and enter its decree of incorporation, with such boundaries as changed. No  
52 public sewer district shall be formed under this chapter, chapter 249, RSMo, section  
53 247.035, RSMo, or any sewer district created and organized under constitutional authority,  
54 the boundaries of which shall encroach upon the corporate boundaries of any sewer  
55 district then existing. Nor shall any public sewer district extend wastewater collection and  
56 treatment services within the boundaries of another without written cooperative agreement  
57 between such districts.

58 5. Should the court find that it would not be in the public interest to form such a  
59 district, the petition shall be dismissed at the cost of the petitioners. If the court should  
60 find in favor of the formation of such district, the court shall enter its decree of  
61 incorporation, setting forth the boundaries of the proposed district as determined by the  
62 court under the hearing. The decree shall further contain an appointment of five voters  
63 from the district to constitute the first board of trustees of the district. The court shall  
64 designate such trustees to staggered terms from one to five years such that one director is  
65 appointed or elected each year. The trustees appointed by the court shall serve for the  
66 terms designated and until their successors have been appointed or elected as provided in  
67 section 204.610. The decree shall further designate the name of the district by which it  
68 shall officially be known.

69 6. The decree of incorporation shall not become final and conclusive until it is  
70 submitted to the voters residing within the boundaries described in such decree and until  
71 it is assented to by a majority of the voters as provided in subsection 9 of this section or by  
72 two-thirds of the voters of the district voting on the proposition. The decree shall provide

73 for the submission of the question and shall fix the date of submission. The returns shall  
74 be certified by the election authority to the circuit court having jurisdiction in the case, and  
75 the court shall enter its order canvassing the returns and declaring the result of such  
76 election.

77       7. If a majority of the voters of the district voting on such proposition approve of  
78 the proposition, then the court shall, in such order declaring the result of the election, enter  
79 a further order declaring the decree of incorporation to be final and conclusive. In the  
80 event, however, that the court should find that the question had not been assented to by the  
81 majority required in this section, the court shall enter a further order declaring such  
82 decree of incorporation to be void. No appeal shall be permitted from any such decree of  
83 incorporation nor from any of the aforesaid orders. In the event that the court declares  
84 the decree of incorporation to be final, the clerk of the circuit court shall file certified  
85 copies of such decree of incorporation and of such final order with the secretary of state  
86 of the state of Missouri, with the recorder of deeds of the county or counties in which the  
87 district is situated, and with the clerk of the county commission of the county or counties  
88 in which the district is situated.

89       8. The costs incurred in the formation of the district shall be taxed to the district,  
90 if the district is incorporated; otherwise the costs shall be paid by the petitioners.

91       9. If petitioners seeking formation of a reorganized common sewer district specify  
92 in their petition that the district to be organized shall be organized without authority to  
93 issue general obligation bonds, then the decree relating to the formation of the district shall  
94 recite that the district shall not have authority to issue general obligation bonds. The vote  
95 required for such a decree of incorporation to become final and conclusive shall be a  
96 simple majority of the voters of the district.

97       10. Once a reorganized sewer district is established, the boundaries of the  
98 reorganized sewer district may be extended or enlarged from time to time upon the filing,  
99 with the clerk of the circuit court having jurisdiction, of a petition by either:

100       (1) The board of trustees of the reorganized sewer district and five or more voters  
101 or landowners within the territory proposed to be added to the district; or

102       (2) The board of trustees and a majority of the landowners within the territory that  
103 is proposed to be added to the reorganized sewer district.

104 If the petition is filed by a majority of the voters or landowners within the territory  
105 proposed to be added to the reorganized sewer district, the publication of notice shall not  
106 be required, provided notice is posted in three public places within such territory at least  
107 seven days before the date of the hearing, and provided that there is sworn testimony by  
108 at least five landowners in such territory, or a majority of the landowners if the total

landowners in the area are fewer than ten. Otherwise the procedures for notice substantially shall follow the procedures in subsection 2 of this section for formation. Territory proposed to be added to the reorganized sewer district may be either contiguous or reasonably close to the boundaries of the existing district. Upon the entry of a final judgment declaring the court's decree of territory proposed to be added to the reorganized sewer district to be final and conclusive, the court shall modify or rearrange the boundary lines of the reorganized sewer district as may be necessary or advisable. The costs incurred in the enlargement or extension of the district shall be taxed to the district, if the district is enlarged or extended. Otherwise, such costs shall be paid by the petitioners. However, no costs shall be taxed to the trustees of the district.

11. Should any landowner who owns real estate that is not within another sewer district organized under this chapter or chapters 249 or 247, RSMo, or under the Missouri Constitution, but that is contiguous or reasonably close to the existing boundaries of the reorganized sewer district, desire to have such real estate incorporated in the district, the landowner shall first petition the board of trustees for its approval. If such approval is granted, the secretary of the board shall endorse a certificate of the board's approval of the petition. The petition so endorsed shall be filed with the clerk of the circuit court in which the reorganized sewer district is incorporated. It then shall be the duty of the court to amend the boundaries of such district by a decree incorporating the real estate. A certified copy of this amended decree including the real estate in the district then shall be filed in the office of the recorder, in the office of the county clerk of the county in which the real estate is located, and in the office of the secretary of state. The costs of this proceeding shall be borne by the petitioning property owner.

12. The board of trustees of any reorganized common sewer district may petition the circuit court of the county containing the majority of the acreage in the district for an amended decree of incorporation to allow that district to engage in the construction, maintenance, and operation of water supply and distribution facilities that serve ten or more separate properties located wholly within the district, are not served by another political subdivision, or are not located within the certificated area of a water corporation as defined in chapter 386, RSMo, or within a public water supply district as defined in chapter 247, RSMo, and the operation and maintenance of all such existing water supply facilities. The petition shall be filed by the board of trustees, and all proceedings shall be in substantially the same manner as in action for initial formation of a reorganized common sewer district, except that no vote of the residents of the district shall be required. All applicable provisions of this chapter shall apply to the construction, operation, and

144 maintenance of water supply facilities in the same manner as they apply to like functions  
145 relating to sewer treatment facilities.

204.604. 1. Any existing common sewer district organized and existing under  
2 sections 204.250 to 204.270, and any sewer district organized and existing under chapter  
3 249, RSMo, may establish itself as a reorganized common sewer district under sections  
4 204.600 to 204.640 by first filing a petition with the county commission of the county or  
5 counties in which it was established to approve its reorganization under sections 204.600  
6 to 204.640 if the governing body of the district has by resolution determined that it is in the  
7 best interest of the district to reorganize under sections 204.600 to 204.640. The petition  
8 shall be ruled on by that county commission, or each county commission if the district  
9 exists in more than one county, within thirty days from the date of hearing the petition.  
10 If the petition for the reorganized district is rejected by the county commission or any  
11 county commissions in districts existing in more than one county, no further action on the  
12 reorganized district shall take place before the county commission or commissions  
13 comprising the district or the circuit having jurisdiction over the district court. Such  
14 petition shall also specify whether the board of trustees shall be appointed by the governing  
15 body of the county or elected by the voters of the district. Such petition shall be  
16 accompanied by a cash deposit of fifty dollars as an advancement of the costs of the  
17 proceeding, and the petition shall be signed by the trustees of the district and shall request  
18 the conversion of the district into a reorganized common sewer district.

19 2. Upon filing, the petition shall be presented to the circuit court, and such court  
20 shall fix a date for a hearing on the petition. The clerk of the court shall give notice of the  
21 filing of the petition in some newspaper of general circulation within the existing district  
22 or closest to the existing district if there is no newspaper of general circulation within the  
23 existing district. If the existing district extends into any other county, such notice also shall  
24 be published in some newspaper of general circulation in such other county. The notice  
25 shall contain a description of the boundary lines of the existing district and the general  
26 purposes of the petition. The notice shall set forth the date fixed for the hearing on the  
27 petition, which shall not be less than fifteen nor more than twenty-one days after the date  
28 of the last publication of the notice and shall be on some regular judicial day of the court  
29 where the petition is pending. Such notice shall be signed by the clerk of the circuit court  
30 and shall be published in a newspaper of general circulation.

31 3. The court, for good cause shown, may continue the case or the hearing from time  
32 to time until final disposition.

33 4. Exceptions to the conversion of an existing district to a reorganized common  
34 sewer district may be made by any voter or property owner within the proposed district,

35 provided that such exceptions are filed not less than five days prior to the date set for the  
36 hearing on the petition. Such exceptions shall specify the grounds upon which the  
37 exceptions are being made. If any such exceptions are filed, the court shall take them into  
38 consideration and shall consider the evidence in support of the petition and in support of  
39 the exceptions made. Should the court find that it would not be in the public interest to  
40 form such a district, the petition shall be dismissed at the cost of the petitioners. If the  
41 court finds that the conversion of the district to a reorganized common sewer district under  
42 sections 204.600 to 204.640 is in the best interests of the persons served by the existing  
43 district, then the court shall order the district's decree of incorporation amended to permit  
44 reorganization under sections 204.600 to 204.640. The existing board of trustees for such  
45 district shall continue to serve the reorganized common sewer district until such time as  
46 new trustees shall be appointed or elected as provided for in the court's decree. If their  
47 original terms of office are not so designated, the court shall designate such trustees to  
48 staggered terms from one to five years, so that one trustee is appointed or elected each  
49 year. The trustees appointed by the court shall serve for the terms designated and until  
50 their successors are appointed or elected as provided in section 204.610. The decree shall  
51 further designate the name of the district by which it officially shall be known.

204.606. The bonded indebtedness or security interest of any creditor of any  
2 common sewer district originally organized and existing under sections 204.250 to 204.270  
3 and any sewer district originally organized and existing under chapter 249, RSMo, that  
4 convert to a reorganized common sewer district shall not be impaired or affected by such  
5 conversion, and all covenants and obligations of such indebtedness shall remain in full  
6 force and effect, payable under the terms and conditions that existed without conversion.

204.608. 1. When a decree or amended decree of incorporation is issued as  
2 provided for in sections 204.600 to 204.640, a reorganized common sewer district shall be  
3 considered in law and equity a body corporate and politic and political subdivision of this  
4 state, known by the name specified in the court's decree, and by that name and style may  
5 sue and be sued, contract and be contracted with, acquire and hold real estate and personal  
6 property necessary for corporate purposes, and adopt a common seal. A reorganized  
7 common sewer district also shall have exclusive jurisdiction and authority to provide  
8 wastewater collection and treatment services within the boundaries of the district with  
9 respect to any wastewater service provider authorized to provide sewer services under the  
10 laws of this state, except for sewer corporations providing service under a certificate of  
11 convenience and necessity granted by the public service commission.

12 2. All courts in this state shall take judicial notice of the existence of any district  
13 organized under sections 204.600 to 204.640.

**204.610. 1. There shall be five trustees, appointed or elected as provided for in the circuit court decree or amended decree of incorporation for a reorganized common sewer district, who shall reside within the boundaries of the district. Each trustee shall be a voter of the district and shall have resided in said district for twelve months immediately prior to the trustee's election or appointment. A trustee shall be at least twenty-five years of age and shall not be delinquent in the payment of taxes at the time of the trustee's election or appointment. Regardless of whether or not the trustees are elected or appointed, in the event the district extends into any county bordering the county in which the greater portion of the district lies, the presiding commissioner or other chief executive officer of the adjoining county shall be an additional member of the board of trustees, or the governing body of such bordering county may appoint a citizen from such county to serve as an additional member of the board of trustees. Said additional trustee shall meet the qualifications set forth in this section for a trustee.**

**2. The trustees shall receive no compensation for their services but may be compensated for reasonable expenses normally incurred in the performance of their duties. The board of trustees may employ and fix the compensation of such staff as may be necessary to discharge the business and purposes of the district, including clerks, attorneys, administrative assistants, and any other necessary personnel. The board of trustees may employ and fix the duties and compensation of an administrator for the district. The administrator shall be the chief executive officer of the district subject to the supervision and direction of the board of trustees. The administrator of the district may, with the approval of the board of trustees, retain consulting engineers for the district under such terms and conditions as may be necessary to discharge the business and purposes of the district.**

**3. Except as provided in subsection 1 of this section, the term of office of a trustee shall be five years. The remaining trustees shall appoint a person qualified under this section to fill any vacancy on the board. The initial trustees appointed by the circuit court shall serve until the first Tuesday after the first Monday in June or until the first Tuesday after the first Monday in April, depending upon the resolution of the trustees. In the event that the trustees are elected, said elections shall be conducted by the appropriate election authority under chapter 115, RSMo. Otherwise, trustees shall be appointed by the county commission in accordance with the qualifications set forth in subsection 1 of this section.**

**4. Notwithstanding any other provision of law, if there is only one candidate for the post of trustee, then no election shall be held, and the candidate shall assume the responsibilities of office at the same time and in the same manner as if elected. If there is**



36 no candidate for the post of trustee, then no election shall be held for that post and it shall  
37 be considered vacant, to be filled under the provisions of subsection 3 of this section.

204.612. The board of trustees of a reorganized common sewer district shall have  
2 no power to levy or collect any taxes for the payment of any general obligation bond  
3 indebtedness incurred by the reorganized common sewer district unless the voters of the  
4 reorganized common sewer district authorizes the board to incur indebtedness at an  
5 election. All expenses and indebtedness incurred by the reorganized common sewer  
6 district may be paid from funds that may be received by the reorganized common sewer  
7 district from the sale of bonds authorized by the voters of the reorganized common sewer  
8 district.

204.614. 1. Such bonds shall be signed by the president of the board of trustees and  
2 attested by the signature of the secretary of the board of trustees with the seal of the  
3 district affixed, if the district has a seal. The interest coupons may be executed by affixing  
4 the facsimile signature of the secretary of the district.

5 2. The moneys of the reorganized common sewer district shall be deposited by the  
6 treasurer of the reorganized common sewer district in such bank or banks as shall be  
7 designated by order of the board of trustees. The secretary of the reorganized common  
8 sewer district shall charge the treasurer, and the moneys shall be drawn from the treasury  
9 upon checks or warrants issued by the reorganized common sewer district for the purposes  
10 for which the bonds were issued.

204.616. 1. The board of trustees of any reorganized common sewer district shall  
2 have power to pass all necessary rules and regulations for the proper management and  
3 conduct of the business of the board of trustees and the district, and for carrying into effect  
4 the objectives for which the reorganized common sewer district is formed.

5 2. The board of trustees of a reorganized common sewer district, subject to  
6 compliance with the exercise of lawful authority granted to or rules adopted by the clean  
7 water commission under section 644.026, RSMo, may exercise primary authority to adopt,  
8 modify, and repeal, and to administer and enforce rules and regulations with respect to:

9 (1) The establishment, construction, reconstruction, improvement, repair,  
10 operation, and maintenance of its sewer systems and treatment facilities;

11 (2) Industrial users discharging into its sewer systems or treatment facilities;

12 (3) The establishment, operation, administration, and enforcement of a publicly  
13 owned treatment works pretreatment program consistent with state and federal  
14 pretreatment standards, including inspection, monitoring, sampling, permitting, and  
15 reporting programs and activities.

16 The board of trustees may, in addition to any pretreatment standards imposed under this  
17 section, require of any user of its treatment facilities such other pretreatment of industrial  
18 wastes as it deems necessary to adequately treat such wastes.

19 3. The rules and regulations adopted by the board of trustees under subsection 2  
20 of this section shall be applicable and enforceable by civil, administrative, or other actions  
21 within any territory served by its sewer systems or treatment facilities and against any  
22 municipality, subdistrict, district, or industrial user who shall directly or indirectly  
23 discharge sewage or permit discharge of sewage into the district's sewer system or  
24 treatment facilities.

25 4. The authority granted to the board by this section is in addition to and not in  
26 derogation of any other authority granted under the constitution and laws of Missouri, any  
27 federal water pollution control act, or the rules of any agency of federal or state  
28 government.

29 5. The term "industrial user", as used in this section, shall mean any nondomestic  
30 source of discharge or indirect discharge into the district's wastewater system that is  
31 regulated under section 307(b), (c), or (d) of the Clean Water Act, or any source listed in  
32 division A, B, D, E, or I of the Standard Industrial Classification Manual, or any solid  
33 waste disposal operation such as, but not limited to, landfills, recycling facilities, solid or  
34 hazardous waste handling or disposal facilities, and facilities that store or treat aqueous  
35 wastes as generated by facilities not located on site and that dispose of these wastes by  
36 discharging them into the district's wastewater system.

204.618. 1. It shall be the duty of the board of trustees of a reorganized common  
2 sewer district to make the necessary surveys and to lay out and define the general plan for  
3 the construction and acquisition of land, rights-of-way, and necessary sewers and  
4 treatment facilities, and of any extensions, expansions, or improvements within the district.

5 2. The board of trustees of a reorganized common sewer district may enter into  
6 agreements with each municipality, subdistrict, private district, or any industrial user that  
7 discharges sewage into trunk sewers, streams, or the treatment facilities of the reorganized  
8 common sewer district concerning the locations and the manner in which sewage may be  
9 discharged into the district system or streams within the district and concerning the  
10 permissible content of acid wastes, alkaline wastes, poisonous wastes, oils, grit, or other  
11 wastes that might be hazardous or detrimental to the system. If no agreement is obtained  
12 with regard to any such matter, the trustees shall refer the dispute to the clean water  
13 commission. The determination of the commission shall be binding upon the district,  
14 municipality, subdistrict, or private district. Each municipality, subdistrict, or private  
15 district shall control the discharge of wastes into its collection sewers to the extent

16 necessary to comply with the agreement or the determination of the clean water  
17 commission. The board of trustees of a reorganized common sewer district or the  
18 governing body of any municipality, subdistrict, private district, or industrial user  
19 discharging sewage into the stream or the system may petition the circuit court that  
20 decreed the incorporation of the district for an order enforcing compliance with any  
21 provision of such an agreement or determination. That circuit court shall have jurisdiction  
22 in all cases or questions arising out of the organization or operations of the district, or from  
23 the acts of the board of trustees.

24       3. The board of trustees may contract with each participating community for the  
25 payment of its proportionate share of treatment costs.

26       4. The board of trustees may contract with public agencies, individuals, private  
27 corporations, and political subdivisions inside and outside the reorganized common sewer  
28 district to permit them to connect with and use the district's facilities according to such  
29 terms, conditions, and rates as the board determines are in the interest of the district and  
30 regardless of whether such agencies, individuals, corporations, and subdivisions are in the  
31 same natural drainage area or basins as the district. However, if such an area is located  
32 within the boundaries of an existing common sewer district or reorganized common sewer  
33 district organized and existing under this chapter, a sewer district organized and existing  
34 under chapter 249, RSMo, or a public water supply district organized under chapter 247,  
35 RSMo, the board of trustees must give written notice to said district before such a contract  
36 is entered into, and the district must consent to said contract.

37       5. The board of trustees may refuse to receive any wastes into the sewage system  
38 that do not meet relevant state or federal water pollution, solid waste, or pretreatment  
39 standards.

40       6. The board of trustees shall have all of the powers necessary and convenient to  
41 provide for the operation, maintenance, administration, and regulation, including the  
42 adoption of rules and regulations, of any individual home sewage or business treatment  
43 systems within the jurisdiction of the common sewer district.

44       7. The board of trustees shall have all of the powers necessary and convenient to  
45 provide for the operation and maintenance of its treatment facilities and the  
46 administration, regulation, and enforcement of its pretreatment program, including the  
47 adoption of rules and regulations to carry out its powers with respect to all municipalities,  
48 subdistricts, districts, and industrial users that discharge into the collection system of the  
49 district's sewer system or treatment facilities. These powers include, but are not limited  
50 to:

51       (1) The promulgation of any rule, regulation, or ordinance;

- 52           (2) The issuance, modification, or revocation of any order;  
53           (3) The issuance, modification, or revocation of any permit;  
54           (4) Commencing an action through counsel for appropriate legal or equitable relief  
55 in the circuit court that decreed the district's incorporation against any industrial user in  
56 violation of the district's rules, regulations, and ordinances or any permit or order issued.  
57           8. The board of trustees may adopt rules and regulations creating procedural  
58 remedies for all persons affected by any order or permit issued, modified, or revoked by  
59 the board including but not limited to the grant of reasonable time periods for such  
60 persons to respond and to show cause.

61           9. Whenever any reference is made in this section to any action that may be taken  
62 by the board of trustees, such reference includes such action by its executive officer under  
63 powers and duties delegated to such executive officer by the board of trustees.

204.620. 1. The board of trustees may acquire by purchase, gift, or condemnation  
2 or may lease or rent any real or personal property, and when condemnation is used, shall  
3 follow the procedure that is provided by chapter 523, RSMo. All the powers may be  
4 exercised both within or without the district as may be necessary to exercise its powers or  
5 accomplish its purposes. The board of trustees also shall have the same authority to enter  
6 upon private lands to survey land or other property before exercise of the above  
7 condemnation powers, as granted under section 388.210, RSMo, to railroad corporations.

8           2. The board of trustees of the reorganized common sewer district, if it is necessary  
9 to cross, follow, or traverse public streets, roads, alleys, or grounds held or used as public  
10 parks or places, shall have the right to do so upon the following conditions: the board of  
11 trustees shall file with the county commission or mayor of the municipality having  
12 immediate jurisdiction over the street, road, alley, or public park or place, a map showing  
13 the location and extent of the proposed occupancy for sewerage purposes and a plan of the  
14 proposed facilities, which plan shall be so made and arranged as not to interfere with the  
15 ordinary and lawful use of the street, road, alley, public park, or place, except during a  
16 reasonable time for the construction of the necessary works.

17           3. The entire expense of the works and restoration of the ground occupied to its  
18 former condition, as near as may be, shall be borne by the reorganized common sewer  
19 district.

204.622. 1. The board of trustees for the reorganized common sewer district shall  
2 let contracts for the construction of sewers and sewage treatment plants that will cost more  
3 than twenty-five thousand dollars, except in case of repairs or emergencies requiring  
4 prompt attention. Notice of the contract bid process shall be published in a newspaper of  
5 general circulation in the district. The board shall select the lowest responsible bidder in

6 no less than twenty days following such publication. The board shall have the power and  
7 authority to reject any and all bids and readvertise the work.

8       2. The board of trustees also shall have the power to enter into agreements with  
9 persons or firms to provide professional services to the board, and the board shall adopt  
10 policies for procuring the services of such professionals. The provisions of sections 8.285  
11 to 8.291, RSMo, shall be applicable to the services of architects, engineers, and land  
12 surveyors unless the board of trustees adopts a formal procedure for the procurement of  
13 such services.

204.624. The cost of any reorganized common sewer district to acquire, construct,  
2 improve, or extend a sewerage system may be met:

3       (1) Through the expenditures by the common sewer district of any funds available  
4 for that purpose, including temporary or interim financing funds obtained through any  
5 federal or state loan program or from a local lending institution;

6       (2) From any other funds that may be obtained under any law of the state or of the  
7 United States or from any county or municipality for that purpose;

8       (3) From the proceeds of revenue bonds of the common sewer district, payable  
9 solely from the revenues to be derived from the operation of such sewerage system or from  
10 any combination of all the methods of providing funds;

11       (4) From the proceeds of general obligation bonds of the reorganized common  
12 sewer district, payable solely from voter-approved property taxes as provided for by law;

13       (5) From the proceeds of special obligation bonds of the reorganized common sewer  
14 district, payable solely from special fees or other revenues received by the district pledged  
15 for the purposes of payment of such bonds; or

16       (6) From the proceeds of user fees, charges, or other imposition for facilities and  
17 services provided by the district to its customers and users or the availability of services  
18 provided to persons, users, and customers within the district or who otherwise benefit from  
19 services provided by the district.

204.626. 1. A reorganized common sewer district may issue revenue bonds  
2 authorized by authority of a resolution adopted by the board of trustees of the reorganized  
3 common sewer district unless, in addition, the decree or amended decree of incorporation  
4 shall require any such bonds to be approved by the voters of the district after an election  
5 called for that purpose. The resolution shall recite that an estimate of the cost of the  
6 proposed acquisition, construction, improvement, extension, or other project has been  
7 made and shall set out the estimated cost. It shall set out the amount of the bonds proposed  
8 to be issued, their purposes, their dates, denominations, rates of interest, times of payment,

9 both of principal and of interest, places of payment, and all other details in connection with  
10 the bonds.

11 2. The bonds may be subject to such provision for redemption prior to maturity,  
12 with or without premium, and at such times and upon such conditions as may be provided  
13 by the board of trustees of the common sewer district.

14 3. The bonds shall bear interest at a rate in accordance with section 108.170, RSMo,  
15 and shall mature over a period not exceeding thirty-five years from the date thereof.

16 4. The bonds may be payable to bearer, may be registered or coupon bonds, and  
17 if payable to bearer may contain such registration privileges as to either principal and  
18 interest, or principal only, as may be provided in the resolution authorizing the bonds.

19 5. The bonds and the coupons to be attached thereto, if any, shall be signed in such  
20 manner and by such officers as may be directed by resolution. Bonds signed by an officer  
21 who shall hold the office at the time the bonds are signed shall be deemed validly and  
22 effectually signed for all purposes, regardless of whether or not any officer shall cease to  
23 hold his office prior to the delivery of the bonds and regardless of whether or not any  
24 officer shall have held or shall not have held such office on the date ascribed to the bonds.

25 6. The bonds shall be sold in such manner and upon such terms as the board of  
26 trustees of the reorganized common sewer district shall determine, subject to the provisions  
27 of section 108.170, RSMo. The resolution may provide that certain bonds authorized shall  
28 be junior or subordinate in any or all respects to other revenue bonds authorized  
29 concurrently with, prior to, or after such bonds.

204.628. Any user fees or charges, connection fees, or other charges levied by the  
2 reorganized common sewer district to fund its general or special operations, maintenance,  
3 or payment of bonded indebtedness or other indebtedness shall be due at such time or  
4 times as specified by the reorganized common sewer district, and shall, if not paid by the  
5 due date, become delinquent and shall bear interest from the date of delinquency until  
6 paid. In addition to and consistent with any other provision of applicable law, if such fees  
7 or charges or other amounts due become delinquent, there shall be a lien upon the land,  
8 and a notice of delinquency shall be filed with the recorder of deeds in the county where  
9 the land is situated. The reorganized common sewer district shall file with the recorder of  
10 deeds a similar notice of satisfaction of debt when the delinquent amounts, plus interest  
11 and any recording fees or attorneys' fees, have been paid in full. The lien created may be  
12 enforced by foreclosure by power of sale vested in the reorganized common sewer district  
13 if the reorganized common sewer district adopts written rules for the exercise of power of  
14 sale consistent with the provisions of sections 443.290 to 443.325, RSMo, which are  
15 recorded in the land records of the office of the recorder of deeds in each county in which

16 the district is located. Otherwise, such lien shall be enforced by suit in the circuit court  
17 having jurisdiction against the property subject to the lien for judicial foreclosure and sale  
18 by special execution. Such suit may include a request for judgment against the persons  
19 responsible for payment of such delinquency as well as the person or persons owning the  
20 property to which services were provided, if different, including post-sale deficiency, and  
21 as a part of the relief, may include award of the district's reasonable attorney's fees, court  
22 costs, and other expenses reasonably incurred by the district for collection.

204.630. It shall be the mandatory duty of any reorganized common sewer district  
2 issuing any general or special revenue bonds under sections 204.600 to 204.640 to:

3 (1) Fix and maintain rates and make and collect charges for the use and services  
4 of the system, for the benefit of which revenue bonds were issued, sufficient to pay the cost  
5 of maintenance and operation;

6 (2) Pay the principal of and the interest on all revenue bonds issued by the  
7 reorganized common sewer district chargeable to the revenues of the system; and

8 (3) Provide funds ample to meet all valid and reasonable requirements of the  
9 resolution by which the revenue bonds have been issued.  
10 From time to time, the rates shall be revised to meet fully the requirements of sections  
11 204.600 to 204.640. As long as any bond issued or the interest thereon shall remain  
12 outstanding and unpaid, rates and charges sufficient to meet the requirements of this  
13 section shall be maintained and collected by the reorganized common sewer district that  
14 issued the bonds.

204.632. 1. Whenever any reorganized common sewer district authorizes and issues  
2 revenue bonds under sections 204.600 to 204.640, an amount sufficient for the purpose of  
3 the net revenues of the sewerage system for the benefit of which the bonds are issued shall,  
4 by operation of sections 204.600 to 204.640, be pledged to the payment of the principal of  
5 and the interest on the bonds as the same shall mature and accrue.

6 2. The term "net revenues" means all income and revenues derived from the  
7 ownership and operation of the system less the actual and necessary expenses of operation  
8 and maintenance of the system.

9 3. It shall be the mandatory duty of the treasurer of the reorganized common sewer  
10 district to provide for the prompt payment of the principal and interest on any revenue  
11 bonds as they mature and accrue.

204.634. 1. The resolution of the board of trustees of the reorganized common  
2 sewer district authorizing the issuance of revenue bonds under the authority of sections  
3 204.600 to 204.640 may provide that periodic allocations of the revenues to be derived from  
4 the operation of the system for the benefit of which the bonds are issued shall be made into

5 such accounts, separate and apart from any other accounts of the district, as shall be  
6 deemed to be advisable to assure the proper operation and maintenance of the system and  
7 the prompt payment of the indebtedness chargeable to the revenues of the system. The  
8 accounts may include, but shall not be limited to:

9 (1) An account to provide funds to operate and maintain the system;

10 (2) An account to provide funds to pay principal and interest on the bonds as they  
11 come due;

12 (3) An account to provide an adequate reserve for depreciation, to be expended for  
13 replacements of the system;

14 (4) An account for the accumulation of a reserve to assure the prompt payment of  
15 the bonds and the interest whenever and to the extent that other funds are not available  
16 for that purpose;

17 (5) An account to provide funds for contingent expenses in the operation of the  
18 system;

19 (6) An account to provide for the accumulation of funds for the construction of  
20 extensions and improvements to the system; and

21 (7) Such other accounts as may be desirable in the judgment of the board of  
22 trustees.

23 2. The resolution also may establish such limitations as may be expedient upon the  
24 issuance of additional bonds, payable from the revenues of the system, or upon the rights  
25 of the holders of such additional bonds. Such resolution may include other agreements  
26 with the holders of the bonds or covenants or restrictions necessary or desirable to  
27 safeguard the interests of the bondholder and to secure the payment of the bonds and the  
28 interest thereon.

204.636. For the purpose of refunding, extending, and unifying the whole or any  
2 part of any valid outstanding bonded indebtedness payable from the revenues of a  
3 sewerage system, any reorganized common sewer district may issue refunding bonds not  
4 exceeding in amount the principal of the outstanding indebtedness to be refunded and the  
5 accrued interest to the date of the refunding bonds. The board of trustees of the  
6 reorganized common sewer district shall provide for the payment of interest which shall  
7 not exceed the same rate and the principal of the refunding bonds in the same manner and  
8 from the same source as was provided for the payment of interest on and principal of the  
9 bonds to be refunded.

204.638. The board of trustees of the reorganized common sewer district may apply  
2 for and accept grants or funds and material or labor from the state and federal  
3 government in the construction of a sewerage system, as provided by sections 204.600 to



4 **204.640, and may enter into such agreements as may be required of the state or federal**  
5 **laws, or the rules and regulations of any federal or state department, to which the**  
6 **application is made, and where the assistance is granted.**

**204.640. It shall be the duty of the mayors of cities, the circuit court, the governing**  
2 **bodies of counties, all political subdivisions, and all assessors, sheriffs, collectors,**  
3 **treasurers, and other officials in the state of Missouri to do and perform all the acts and**  
4 **to render all the services necessary to carry out the purposes of sections 204.600 to 204.640.**

**204.650. Sections 204.650 to 204.672 shall be known and may be cited as the**  
2 **"Sanitary Sewer Improvement Area Act", and the following words and terms, as used in**  
3 **these sections, mean:**

4 (1) **"Acquire", the acquisition of property or interests in property by purchase, gift,**  
5 **condemnation, or other lawful means and may include the acquisition of existing property**  
6 **and improvements already owned by the district;**

7 (2) **"Assess or assessment", a unit of measure to allocate the cost of an improvement**  
8 **among property or properties within a sanitary sewer improvement area based on an**  
9 **equitable method of determining benefits to any such property resulting from an**  
10 **improvement;**

11 (3) **"Consultant", engineers, architects, planners, attorneys, financial advisors,**  
12 **accountants, investment bankers, and other persons deemed competent to advise and assist**  
13 **the governing body of the district in planning and making improvements;**

14 (4) **"Cost", all costs incurred in connection with an improvement, including but not**  
15 **limited to costs incurred for the preparation of preliminary reports, preparation of plans**  
16 **and specifications, preparation and publication of notices of hearings, resolutions,**  
17 **ordinances, and other proceedings, fees, and expenses of consultants, interest accrued on**  
18 **borrowed money during the period of construction, underwriting costs, and other costs**  
19 **incurred in connection with the issuance of bonds or notes, establishment of reasonably**  
20 **required reserve funds for bonds or notes, the cost of land, materials, labor, and other**  
21 **lawful expenses incurred in planning, acquiring, and doing any improvement, reasonable**  
22 **construction contingencies, and work done or services performed by the district in the**  
23 **administration and supervision of the improvement;**

24 (5) **"District or common sewer district", any public sanitary sewer district or**  
25 **reorganized common sewer district established and existing under this chapter or chapter**  
26 **249, RSMo, and any metropolitan sewer district organized under the constitution of this**  
27 **state;**

28 (6) **"Improve", to construct, reconstruct, maintain, restore, replace, renew, repair,**  
29 **install, equip, extend, or to otherwise perform any work that will provide a new sanitary**

30 sewer facility or enhance, extend, or restore the value or utility of an existing sanitary  
31 sewer facility;

32 (7) "Improvement", any one or more sanitary sewer facilities or improvements that  
33 confer a benefit on property within a definable area and may include or consist of a  
34 reimprovement of a prior improvement. Improvements include but are not limited to the  
35 following activities:

36 (a) To acquire property or interests in property when necessary or desirable for  
37 any purpose authorized by sections 204.650 to 204.672;

38 (b) To improve sanitary sewers, wastewater treatment plants, lagoons, septic tanks  
39 and systems, and any and all other sanitary sewer and waste water collection and  
40 treatment systems of any type, whether located on improved or unimproved public or  
41 private property, the general object and nature of which will either preserve, maintain,  
42 improve, or promote the general public health, safety, and welfare, or the environment,  
43 regardless of technology used;

44 (8) "Sanitary sewer improvement area", an area of a district with defined limits  
45 and boundaries that is created by petition under sections 204.650 to 204.672 and that is  
46 benefitted by an improvement and subject to assessments against the real property for the  
47 cost of the improvement;

48 (9) "User fee", a fee established and imposed by a district to pay an assessment, in  
49 periodic installments, for improvements made in a sanitary sewer improvement area that  
50 benefit the property within such area that is subject to the assessment.

204.652. As an alternative to all other methods provided by law or charter, the  
2 governing body of any sewer district or reorganized sewer district organized and operated  
3 under this chapter or chapter 249, RSMo, or any metropolitan sewer district organized  
4 under the constitution of this state, may make, or cause to be made, improvements that  
5 confer a benefit upon property within a sanitary sewer improvement area under sections  
6 204.650 to 204.672. The governing body of such district may issue temporary notes and  
7 revenue bonds under sections 204.650 to 204.672 to pay for all or part of the cost of such  
8 improvements. An improvement may be combined with one or more other improvements  
9 for the purpose of issuing a single series of revenue bonds to pay all or part of the cost of  
10 the sanitary sewer improvement area's improvements, but separate funds or accounts shall  
11 be established within the records of the district for each improvement project as provided  
12 in sections 204.650 to 204.672. Such district shall make assessments and may impose user  
13 fees on the property located within the sanitary sewer improvement area, in addition to any  
14 other fees or charges imposed by the district to provide services or pay debt. The district  
15 shall use the moneys collected from such assessments and user fees from a sanitary sewer

16 improvement area to reimburse the district for all amounts paid or to be paid by it as  
17 principal of and interest on its temporary notes and revenue bonds issued for the  
18 improvements made in the sanitary sewer improvement area.

204.654. 1. To establish a sanitary sewer improvement area, the governing body  
2 of the sewer district shall comply with the following procedure: the governing body of the  
3 district may create a sanitary sewer improvement area when a proper petition has been  
4 signed by the owners of record of four-sevenths of the property within the proposed  
5 sanitary sewer improvement area. The petition, in order to become effective, shall be filed  
6 with the district. A proper petition for the creation of a sanitary sewer improvement area  
7 shall set forth the project name for the proposed improvement, the general nature of the  
8 proposed improvement, the estimated cost of such improvement, the boundaries of the  
9 proposed sanitary sewer improvement area, the proposed method or methods of financing  
10 the project, including the estimated amount of and method for imposing user fees against  
11 the real property within the sanitary sewer improvement area to pay for the cost of the  
12 improvements and any bonds issued, a notice that the names of the signers may not be  
13 withdrawn later than seven days after the petition is filed with the district, and a notice  
14 that the final cost of such improvement and the amount of revenue bonds issued shall not  
15 exceed the estimated cost of such improvement, as stated in such petition, by more than  
16 twenty-five percent.

2. Upon filing a proper petition with the district, the governing body may, by  
18 resolution, determine the advisability of the improvement and may order that the area be  
19 established and that preliminary plans and specifications for the improvement be made.  
20 Such resolution shall state and make findings as to the project name for the proposed  
21 improvement, the nature of the improvement, the estimated cost of such improvement, the  
22 boundaries of the sanitary sewer improvement area, the proposed method or methods of  
23 imposing assessments and, if known, proposed estimated user fees within the district. The  
24 resolution also shall state that the final cost of such improvement within the sanitary sewer  
25 improvement area and the amount of revenue bonds issued shall not, without a new  
26 petition, exceed the estimated cost of such improvement by more than twenty-five percent.

27 3. The boundaries of the proposed area shall be described by bounds, streets, or  
28 other sufficiently specific description.

204.656. The portion of the cost of any improvement to be assessed or imposed  
2 against the real property in a sanitary sewer improvement area shall be apportioned  
3 against such property in accordance with the benefits accruing by reason of such  
4 improvement. Subject to the provisions of the farmland protection act, sections 262.800  
5 to 262.810, RSMo, the cost may be assessed equally by lot or tract against property within

6 the area, or by any other reasonable assessment plan determined by the governing body  
7 of the district that results in imposing substantially equal burdens or share of the cost upon  
8 property similarly benefited. The governing body of the district may from time to time  
9 determine and establish by resolution reasonable general classifications and formula for  
10 the methods of assessing or determining the benefits.

204.658. 1. After the governing body has made the findings specified in sections  
2 204.650 to 204.672 and plans and specifications for the proposed improvements have been  
3 prepared, the governing body shall by resolution order assessments to be made against  
4 each parcel of real property deemed to be benefited by an improvement based on the  
5 revised estimated cost of the improvement or, if available, the final cost, and shall order  
6 a proposed assessment roll to be prepared.

7 2. The plans and specifications for the improvement and the proposed assessment  
8 roll shall be filed with the district and shall be open for public inspection. Such district  
9 shall, at the direction of the governing body, publish notice that the governing body will  
10 conduct a hearing to consider the proposed improvement and proposed assessments. Such  
11 notice shall be published in a newspaper of general circulation at least once not more than  
12 twenty days and not less than ten days before the hearing and shall state the project name  
13 for the improvement, the date, time, and place of such hearing, the general nature of the  
14 improvement, the revised estimated cost or, if available, the final cost of the improvement,  
15 the boundaries of the sanitary sewer improvement area to be assessed, and that written or  
16 oral objections will be considered at the hearing. Not less than ten days before, the district  
17 shall mail to the owners of record of the real property in the sanitary sewer improvement  
18 area, at their last known post office address, a notice of the hearing and a statement of the  
19 cost proposed to be assessed against the real property so owned and assessed. The failure  
20 of any owner to receive such notice shall not invalidate the proceedings.

204.660. 1. At the hearing to consider the proposed improvements and assessments,  
2 the governing body shall hear and pass upon all objections to the proposed improvements  
3 and proposed assessments, if any, and may amend the proposed improvements, and the  
4 plans and specifications, or assessments as to any property, and thereupon by resolution,  
5 the governing body shall order that the improvement be made and direct that financing  
6 for the cost be obtained as provided in sections 204.650 to 204.672.

7 2. After the improvement has been completed in accordance with the plans and  
8 specifications, the governing body shall compute the final costs of the improvement and  
9 apportion the costs among the property benefited by such improvement in such equitable  
10 manner as the governing body shall determine, charging each tract, lot, or parcel of  
11 property with its proportionate share of the costs, and by resolution, assess the final cost

12 of the improvement, or the amount of revenue bonds issued or to be issued to pay for the  
13 improvement, as special assessments against the property described in the assessment roll.

14       **3.** After the passage or adoption of the resolution assessing the special assessments,  
15 the district shall mail to each property owner within the district a notice that sets forth a  
16 description of each owners tract, lot, or parcel of real property to be assessed, the  
17 assessment assigned to such property, and a statement that the property owner may pay  
18 such assessment in full, together with interest accrued from the effective date of such  
19 resolution, on or before a specified date determined by the effective date of the resolution,  
20 or may pay such assessment in the form of user fees in periodic installments as provided  
21 in subsection 4 of this section. Notice of each assessment and imposition of the assessment  
22 lien, together with a legal description for each property assessed within the area, shall be  
23 filed with the recorder of deeds upon the effective date of the resolution. However, failure  
24 to record any such notice in a timely manner shall not affect the validity of the assessments  
25 or liens. The district shall record written notice of release of lien whenever an assessment  
26 is paid in full. The cost of recording assessment notices and release of liens shall be  
27 includable in the assessment.

28       **4.** The special assessments shall be assessed upon the property within the area.  
29 Those not paid in full as provided in subsection 3 of this section shall be payable in the  
30 form of user fees payable in periodic and substantially equal installments, as determined  
31 by the district, for a duration prescribed by the resolution establishing the special  
32 assessments. All assessments shall bear interest at such rate as the governing body  
33 determines, not to exceed the rate permitted for bonds by section 108.170, RSMo. Interest  
34 on the assessment between the effective date of the resolution assessing the special  
35 assessments and the date the first installment of a user fee is payable shall be added to the  
36 first installment or prorated among all scheduled installments.

37       **5.** Assessments not paid in full shall be collected and paid over to the district in the  
38 form of user fees in the same manner as other district fees and charges are collected and  
39 paid, or by any other reasonable method determined by the district.

**204.662.** No suit to set aside the assessments made under sections 204.680 to  
2 204.730, or to otherwise question the validity of the proceedings, shall be brought after the  
3 expiration of ninety days from the date the notice is mailed to the last known owners of  
4 record of the assessments required by subsection 3 of section 204.660.

**204.664. 1.** To correct omissions, errors, or mistakes in the original assessment that  
2 relate to the total cost of an improvement, the governing body of the district may, without  
3 a notice or hearing, make supplemental or additional assessments on property within a  
4 sanitary sewer improvement area, except that such supplemental or additional assessments

5 shall not, without a new petition as provided in sections 204.650 to 204.672, exceed twenty-  
6 five percent of the estimated cost of the improvement as set forth in the petition under the  
7 provisions of sections 204.650 to 204.672.

8       2. When an assessment is, for any reason whatsoever, set aside by a court of  
9 competent jurisdiction as to any property, or in the event the governing body finds that the  
10 assessment or any part thereof is excessive or determines on advice of counsel in writing  
11 that it is or may be invalid for any reason, the governing body may, upon notice and  
12 hearing as provided for the original assessment, make a reassessment or a new assessment  
13 as to such property.

204.666. An assessment authorized under sections 204.650 to 204.672, once  
2 determined and imposed, shall constitute a lien against such property until paid in full and  
3 shall not be affected by the existence or enforcement of any other liens or encumbrances,  
4 nor shall enforcement of an assessment lien have any effect on the validity or enforcement  
5 of any tax lien or lien established by mortgage or deed of trust. An assessment lien  
6 becomes delinquent when an assessment is not paid in full as prescribed by sections  
7 204.650 to 204.672, or when one or more periodic installments imposed by the district for  
8 an assessment remain unpaid for a period of thirty days or more after notice of  
9 delinquency in payment is mailed to the last known owners of the property subject to  
10 assessment by regular United States mail and by certified mail, return receipt requested,  
11 at their last known address, provided by such owners to the district and to the occupant  
12 of property that is subject to assessment, if different from that of the owners. In the event  
13 any such user fee remains unpaid after thirty days of the mailing of any such notice, and  
14 in addition to any other remedy the district may have by statute or duly enacted regulation  
15 for the collection of delinquent amounts owed to the district, the district shall be entitled  
16 to petition the circuit court having jurisdiction to foreclose upon the assessment lien by  
17 special execution sale of the property subject to the assessment for the unpaid assessment  
18 plus reasonable attorney's fees, court costs, and other reasonable costs incurred by the  
19 district in collection. In any such suit, the district shall name all parties appearing of  
20 record to have or claim an interest in the property subject to the unpaid assessment and  
21 shall file a notice of lis pendens in connection with said action. In addition, the district may  
22 obtain a judgment against last known owners of the property for any deficiency in  
23 payment of the assessment and costs and fees made a part of the court's judgment.

204.668. After an improvement has been authorized under sections 204.650 to  
2 204.672, the governing body of the district may issue temporary notes of the district to pay  
3 the costs of such improvement in an amount not to exceed the estimated cost of such  
4 improvement. Such temporary notes may be issued in anticipation of issuance of revenue

5 bonds of the district. The district may participate in any governmentally sponsored bond  
6 pooling program or other bond program. Bonds may be issued and made payable from  
7 special assessments paid in the form of user fees under subsection 4 of section 204.660 and  
8 other revenues of the district.

204.670. A separate fund or account shall be created by the district for each  
2 improvement project, and each such fund or account shall be identified by a suitable title.  
3 The proceeds from the sale of bonds and temporary notes and any other moneys  
4 appropriated thereto by the governing body of the district shall be credited to such funds  
5 or accounts. Such funds or accounts shall be used solely to pay the costs incurred in  
6 making each respective improvement. Upon completion of an improvement, the balance  
7 remaining in the fund or account established for such improvement, if any, may be held  
8 as contingent funds for future improvements or may be credited against the amount of the  
9 original assessment of each parcel of property, on a pro rata basis based on the amount of  
10 the original assessment, and with respect to property owners that have prepaid their  
11 assessments in accordance with sections 204.650 to 204.672, the amount of each such credit  
12 shall be refunded to the appropriate property owner. With respect to all other property  
13 owners, the amount of each such credit shall be transferred and credited to the district  
14 bond and interest fund to be used solely to pay the principal of and interest on the bonds  
15 or temporary notes, and the assessments shall be reduced accordingly by the amount of  
16 such credit.

204.672. Any public sanitary sewer district or reorganized sewer district organized  
2 and operated under this chapter or chapter 249, RSMo, and any metropolitan sewer  
3 district organized under the constitution of this state, may enter into a cooperative  
4 agreement with a city or county for the purpose of constructing sanitary sewer system  
5 improvements under the provisions of the neighborhood improvement district act, sections  
6 67.453 to 67.475, RSMo. Any such cooperative agreement, if approved by the governing  
7 bodies of the district and city or county, may include provisions for joint administration  
8 of projects for the issuance of temporary notes and general obligation bonds by district,  
9 city, or county, separately or jointly, and for the payment of such bonds by any source of  
10 funds or user fees in addition to funds from special assessments as provided for in sections  
11 67.453 to 67.475, RSMo, and general ad valorem taxes, so long as all terms, conditions, and  
12 covenants of any applicable bond resolution or ordinance are complied with and so long  
13 as said notes and bonds are issued in compliance with general applicable law.

204.674. The provisions of sections 204.600 to 204.672 shall not apply to the  
2 provisions in section 204.472, any city not within a county and any county with a charter  
3 form of government and with more than one million inhabitants, any sewer district created

4 **and organized under constitutional authority, any sewer district located in any county with**  
5 **a charter form of government and with more than six hundred thousand but fewer than**  
6 **seven hundred thousand inhabitants that provides wholesale sewer service.**

249.422. 1. If approved by a majority of the voters voting on the proposal, any city,  
2 town, village or county on behalf of the unincorporated area, located either within the boundaries  
3 of a sewer district established pursuant to article VI, section 30(a) of the Missouri Constitution  
4 or within any county of the first classification having a charter form of government with a  
5 population of more than two hundred ten thousand inhabitants but less than three hundred  
6 thousand inhabitants, may by city, town, village or county ordinance levy and impose annually  
7 for the repair of lateral sewer service lines on or connecting residential property having six or  
8 less dwelling units a fee not to exceed fifty dollars per year. Any city, town, village, or county  
9 that establishes or increases the fee used to repair any portion of the lateral sewer service line  
10 shall include all defective portions of the lateral sewer service line from the residential structure  
11 to its connection with the public sewer system line. Notwithstanding any provision of chapter  
12 448, RSMo, the fee imposed pursuant to this chapter shall be imposed upon condominiums that  
13 have six or less condominium units per building and each condominium unit shall be responsible  
14 for its proportionate share of any fee charged pursuant to this chapter, and in addition, any  
15 condominium unit shall, if determined to be responsible for and served by its own individual  
16 lateral sewer line, be treated as an individual residence regardless of the number of units in the  
17 development. It shall be the responsibility of the condominium owner or condominium  
18 association who are of the opinion that they are not properly classified as provided in this section  
19 to notify the county office administering the program. Where an existing sewer lateral program  
20 was in effect prior to August 28, 2003, condominium and apartment units not previously enrolled  
21 may be ineligible for enrollment if it is determined that the sewer lateral serving the unit is  
22 defective.

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

24 Shall a maximum charge not to exceed fifty dollars be assessed annually on residential  
25 property for each lateral sewer service line serving six or less dwelling units on that property and  
26 condominiums that have six or less condominium units per building and any condominium  
27 responsible for its own individual lateral sewer line to provide funds to pay the cost of certain  
28 repairs of those lateral sewer service lines which may be billed quarterly or annually?

29 ☐ YES

☐ NO

30 3. If a majority of the voters voting thereon approve the proposal provided for in  
31 subsection 2 of this section, the governing body of the city, town, village or county may enact  
32 an ordinance for the collection and administration of such fee in order to protect the public  
33 health, welfare, peace and safety. The **encumbered** funds collected pursuant to such ordinance



34 shall be deposited in a special account to be used solely for the purpose of paying for all or a  
35 portion of the costs reasonably associated with and necessary to administer and carry out the  
36 defective lateral sewer service line repairs. All interest generated on deposited funds shall be  
37 accrued to the special account established for the repair of lateral sewer service lines.

38 **4. (1) The governing body of any county, city, town, or village may, by order or**  
39 **ordinance, determine that all unencumbered funds held in the special account shall be**  
40 **declared to be surplus funds on an annual basis. The order or ordinance shall not become**  
41 **effective unless the governing body of the county, city, town, or village submits to the voters**  
42 **residing within the county, city, town, or village a proposal to authorize the governing body**  
43 **of the county, city, town, or village to determine such unencumbered funds in the special**  
44 **account to be surplus funds on an annual basis.**

45 **(2) The ballot of submission for the determination authorized in this section shall**  
46 **be in substantially the following form:**

47 **Shall ..... (insert the name of the political subdivision) be authorized to determine**  
48 **that unencumbered funds in the lateral sewer service lines repair special account are**  
49 **surplus funds, transferrable according to law?**

50

51

☐ YES

☐ NO

52

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

55

56 **If a majority of the votes cast on the question by the qualified voters voting thereon are in**  
57 **favor of the question, then the order or ordinance authorizing the determination shall**  
58 **become effective immediately. If a majority of the votes cast on the question by the**  
59 **qualified voters voting thereon are opposed to the question, then the order or ordinance**  
60 **authorizing the determination shall not become effective unless and until the question is**  
61 **resubmitted under this subsection to the qualified voters and such question is approved by**  
62 **a majority of the qualified voters voting on the question.**

63 **(3) If the determination authorized under this subsection is approved under**  
64 **subdivision (2) of this subsection, the governing body of the county, city, town, or village**  
65 **may, by order or ordinance, annually declare such unencumbered funds in the special**  
66 **account to be surplus funds, and may transfer such funds as provided in section 67.050,**  
67 **RSMo.**

**644.587. In addition to those sums authorized prior to August 28, 2007, the board**  
2 **of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III**

3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum  
4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,  
5 RSMo, and this chapter.

644.588. In addition to those sums authorized prior to August 28, 2007, the board  
2 of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III  
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum  
4 of ten million dollars in the manner described, and for the purposes set out, in chapter 640,  
5 RSMo, and in this chapter.

644.589. In addition to those sums authorized prior to August 28, 2007, the board  
2 of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III  
3 of the Constitution of the state of Missouri, may borrow on the credit of this state the sum  
4 of twenty million dollars in the manner described, and for the purposes set out, in chapter  
5 640, RSMo, and in this chapter.

Section B. Because of the need to allow the citizens of Missouri to operate and maintain  
2 sewer systems, section A of this act is deemed necessary for the immediate preservation of the  
3 public health, welfare, peace and safety, and is hereby declared to be an emergency act within  
4 the meaning of the constitution, and section A of this act shall be in full force and effect upon  
5 its passage and approval.

✓