

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1871
95TH GENERAL ASSEMBLY

Reported from the Committee on Commerce, Consumer Protection, Energy and the Environment, May 10, 2010, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

4752S.08C

AN ACT

To repeal sections 260.005, 260.080, 386.210, 640.100, and 701.033, RSMo, and to enact in lieu thereof twenty-three new sections relating to environmental protection, with an emergency clause for a certain section.

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

Section A. Sections 260.005, 260.080, 386.210, 640.100, and 701.033, RSMo, are repealed and twenty-three new sections enacted in lieu thereof, to be known as sections 8.860, 21.950, 37.970, 67.2800, 67.2805, 67.2810, 67.2815, 67.2820, 67.2825, 67.2830, 67.2835, 192.1250, 260.005, 260.080, 260.244, 341.230, 386.210, 640.085, 640.100, 640.116, 640.128, 644.200, and 701.033, to read as follows:

8.860. 1. As used in this section, the following terms shall mean:

(1) "ASHRAE" or "American Society of Heating, Refrigerating, and Air Conditioning Engineers", an international technical society for all individuals and organizations interested in heating, ventilation, air conditioning, and refrigeration;

(2) "Building project", the design, construction, renovation, operation, and maintenance of any inhabited physical structure and its associated project building site;

(3) "Commercial interior fit-out", interior design and installation by owners or tenants of new or existing office space, typically exclusive of structural components and core and shell elements;

(4) "GBI", Green Building Initiative;

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

13 (5) "Globes", the level of a building's sustainability and energy
14 efficiency performance as determined by GBI's Green Globes Rating
15 System;

16 (6) "Green Globes Rating System", the most current
17 environmental building rating system established by the Green
18 Building Initiative;

19 (7) "High-performance building", a building designed to achieve
20 integrated systems design, construction, and operation so as to
21 significantly reduce or eliminate the negative impact of the built
22 environment and optimize positive attributes;

23 (8) "LEED", Leadership in Energy and Environmental Design as
24 determined by the current version of the USGBC's Green Building
25 Rating System;

26 (9) "LEED Silver", the current Silver standard as set forth by the
27 USGBC's LEED Green Building Rating System;

28 (10) "Major facility project" or "major facility projects":

29 (a) A state-funded:

30 a. New construction building project in which the building's
31 gross square footage is greater than five thousand;

32 b. Renovation project involving more than fifty percent of the
33 square footage or occupancy displacement; or

34 c. Commercial interior fit-out project that is larger than seven
35 thousand square feet of leasable area;

36 (b) Shall not include:

37 a. A building, regardless of size, that does not have conditioned
38 space as defined by ASHRAE standard 90.1;

39 b. A correctional facility constructed for the department of
40 corrections or the department of mental health;

41 (11) "Renovation project", a building project involving the
42 modification or adaptive reuse of an existing facility;

43 (12) "Third-party commissioning agent", a person accredited by
44 the USGBC or GBI with expertise in building system performance who
45 analyzes, evaluates, and confirms proper function and performance of
46 a high-performance building, its systems, equipment, and indoor air
47 quality and who did not participate in the original certification of the
48 major facility project or renovation project;

49 (13) "USGBC", the United States Green Building Council.

50 **2. All major facility projects in Missouri under subparagraph a.**
51 **of paragraph (a) of subdivision (10) of subsection 1 of this section shall**
52 **be designed, constructed, and at least certified as receiving two Globes**
53 **using the Green Globes Rating System or receiving the LEED Silver**
54 **standard. All major facility projects in Missouri as defined under**
55 **subparagraphs b. and c. of paragraph (a) of subdivision (10) of**
56 **subsection 1 of this section shall be analyzed using:**

57 **(1) A life cycle cost analysis comparing the cost and benefits of**
58 **designing, constructing, maintaining, and operating the facility at the**
59 **LEED Silver standard or two Globes standard, or better, with**
60 **certification;**

61 **(2) Normal industry and regulatory standards, as applicable; or**

62 **(3) Some standard between subdivisions (1) and (2) of this**
63 **subsection that causes the project to be designed, constructed, and**
64 **operated in a manner that achieves the lowest thirty-year life cycle**
65 **cost.**

66 **3. In obtaining certification as receiving two Globes using the**
67 **Green Globes Rating System, a major facility project shall earn at least**
68 **twenty percent of the available points for energy performance under**
69 **C.1.1 energy consumption. In obtaining certification as meeting the**
70 **LEED Silver standard, a major facility project shall reduce energy use**
71 **twenty-four percent for new buildings or twenty percent for existing**
72 **buildings over ASHRAE standard 90.1-2007.**

73 **4. The office of administration shall waive the requirements of**
74 **this section for a proposed major facility project if it determines that**
75 **the cost of meeting the requirements under this section exceeds the**
76 **cost of completing the project using traditional construction or**
77 **renovation standards by three percent or more.**

78 **5. The office of administration may petition the general assembly**
79 **to require all major facility projects be certified to a high-performance**
80 **building rating system standard in addition to or in lieu of the systems**
81 **provided in this section. However, any alternate rating system adopted**
82 **by the general assembly shall be no less stringent than the systems**
83 **provided in this section.**

84 **6. All major facility projects that were certified at the LEED**
85 **Silver or two Globe standard or higher shall be inspected by a third-**
86 **party commissioning agent, at a minimum, in the fifth, tenth, and**

87 **fifteenth year following certification. The third-party commissioning**
88 **agent shall determine whether the building is operating at the standard**
89 **to which it was originally designed and certified. The third-party**
90 **commissioning agent shall report its findings to the office of**
91 **administration and the respective state department or departments**
92 **occupying the facility. The report shall include but not be limited to**
93 **the facility's savings on energy and water, the level of its indoor air**
94 **quality, the existing system's function and performance, problems with**
95 **the system, and whether the system's performance meets the facility's**
96 **requirements. If the office of administration determines the building**
97 **is not operating within the spirit of this section, the office of**
98 **administration may take appropriate measures to bring the building**
99 **into compliance.**

100 **7. The office of administration shall develop and implement a**
101 **process to monitor and evaluate the energy and environmental benefits**
102 **associated with each major facility project designed, constructed, and**
103 **renovated under this section. The monitoring and evaluation of each**
104 **major facility project shall commence one year after occupancy or use**
105 **and shall continue for fifteen years thereafter. All data concerning**
106 **energy, operational, and environmental benefits collected under this**
107 **section shall be made available to the office of administration to be**
108 **compiled and submitted to the general assembly under subsection 7 of**
109 **this section.**

110 **8. The office of administration shall submit a report regarding**
111 **major facility projects to the house committee on energy and**
112 **environment and the senate committee on energy and environment that**
113 **includes:**

114 **(1) The number and types of buildings designed and constructed;**

115 **(2) The level of certification of each building designed,**
116 **constructed, or renovated;**

117 **(3) Actual savings in energy costs;**

118 **(4) A description of all potential environmental benefits,**
119 **including but not limited to, water savings and the reduction of waste**
120 **generation;**

121 **(5) The ability of building to continue to operate at the standard**
122 **to which it was originally certified;**

123 **(6) In the event of a waiver by the office of administration to not**

124 **pursue certification, reasons for the waiver;**

125 **(7) Any conflicts or barriers that hinder the effectiveness of this**
126 **section.**

127 **9. The office of administration shall promulgate rules to**
128 **implement the provisions of this section. Any rule or portion of a rule,**
129 **as that term is defined in section 536.010, that is created under the**
130 **authority delegated in this section shall become effective only if it**
131 **complies with and is subject to all of the provisions of chapter 536 and,**
132 **if applicable, section 536.028. This section and chapter 536 are**
133 **nonseverable and if any of the powers vested with the general assembly**
134 **pursuant to chapter 536 to review, to delay the effective date, or to**
135 **disapprove and annul a rule are subsequently held unconstitutional,**
136 **then the grant of rulemaking authority and any rule proposed or**
137 **adopted after August 28, 2010, shall be invalid and void.**

21.950. 1. There is hereby established a joint committee of the
2 **general assembly, which shall be known as the "Joint Committee on**
3 **Solid Waste Management", which shall be composed of five members of**
4 **the senate, with no more than three members of one party, and five**
5 **members of the house of representatives, with no more than three**
6 **members of one party. The senate members of the committee shall be**
7 **appointed by the president pro tem of the senate and the house**
8 **members by the speaker of the house of representatives. The**
9 **committee shall select a chairperson and a vice-chairperson, one of**
10 **whom shall be a member of the senate and one a member of the house**
11 **of representatives. A majority of the members shall constitute a**
12 **quorum. Meetings of the committee may be called at such time and**
13 **place as the chairperson designates.**

14 **2. The committee shall examine Missouri's present and future**
15 **solid waste management needs to determine the best strategy to ensure**
16 **affordable and environmentally-conscious long-term waste management**
17 **that will meet the needs of the people and businesses of Missouri for**
18 **the next twenty-five years.**

19 **3. The joint committee may hold hearings as it deems advisable**
20 **and may obtain any input or information necessary to fulfill its**
21 **obligations. The committee may make reasonable requests for staff**
22 **assistance from the research and appropriations staffs of the house and**
23 **senate and the committee on legislative research.**

24 4. The joint committee shall prepare a final report, together with
25 its recommendations for any legislative action deemed necessary, for
26 submission to the general assembly by December 31, 2010, at which
27 time the joint committee shall be dissolved.

28 5. Members of the committee shall receive no compensation but
29 may be reimbursed for reasonable and necessary expenses associated
30 with the performance of their official duties.

31 6. Until such time as the joint committee makes its final report,
32 the department of natural resources shall not issue any permit for a
33 new nonsource separated material recovery facility, except that the
34 department shall be able to issue permits under this section after
35 January 1, 2011.

 37.970. 1. It shall be the policy of each state department to carry
2 out its mission with full transparency to the public. Any data collected
3 in the course of its duties shall be made available to the public in a
4 timely fashion. Data, reports, and other information resulting from any
5 activities conducted by the department in the course of its duties shall
6 be easily accessible by any member of the public.

7 2. Each department shall broadly interpret any request for
8 information under section 610.023:

9 (1) Even if such request for information does not use the words
10 "sunshine request", "open records request", "public records request", or
11 any such similar wording;

12 (2) Even if the communication is simply an inquiry as to the
13 availability or existence of data or information; and

14 (3) Regardless of the format in which the communication is
15 made, including electronic mail, facsimile, internet, postal mail, in
16 person, telephone, or any other format.

17 3. Any failure by a department to release information shall, in
18 addition to any other applicable violation of law, be considered a
19 violation of the department's policy under this section and shall
20 constitute a breach of the public's trust.

21 4. This section shall not be construed to limit or exceed the
22 requirements of the provisions in chapter 610.

 67.2800. 1. Sections 67.2800 to 67.2835 shall be known and may
2 be cited as the "Property Assessment Clean Energy Act".

3 2. As used in sections 67.2800 to 67.2835, the following words and

4 terms shall mean:

5 (1) "Assessment contract", a contract entered into between a
6 clean energy development board and a property owner under which the
7 property owner agrees to pay an annual assessment for a period of up
8 to twenty years in exchange for financing of an energy efficiency
9 improvement or a renewable energy improvement;

10 (2) "Authority", the state environmental improvement and energy
11 resources authority established under section 260.010;

12 (3) "Bond", any bond, note, or similar instrument issued by or on
13 behalf of a clean energy development board;

14 (4) "Clean energy conduit financing", the financing of energy
15 efficiency improvements or renewable energy improvements for a
16 single parcel of property or a unified development consisting of
17 multiple adjoining parcels of property under section 67.2825;

18 (5) "Clean energy development board", a board formed by one or
19 more municipalities under section 67.2810;

20 (6) "Energy efficiency improvement", any acquisition,
21 installation, or modification on or of publicly or privately owned
22 property designed to reduce the energy consumption of such property,
23 including but not limited to:

24 (a) Insulation in walls, roofs, attics, floors, foundations, and
25 heating and cooling distribution systems;

26 (b) Storm windows and doors, multiglazed windows and doors,
27 heat-absorbing or heat-reflective windows and doors, and other window
28 and door improvements designed to reduce energy consumption;

29 (c) Automatic energy control systems;

30 (d) Heating, ventilating, or air conditioning distribution system
31 modifications and replacements;

32 (e) Caulking and weatherstripping;

33 (f) Replacement or modification of lighting fixtures to increase
34 energy efficiency of the lighting system without increasing the overall
35 illumination of the building unless the increase in illumination is
36 necessary to conform to applicable state or local building codes;

37 (g) Energy recovery systems; and

38 (h) Daylighting systems;

39 (7) "Municipality", any county, city, or incorporated town or
40 village of this state;

41 (8) "Project", any energy efficiency improvement or renewable
42 energy improvement;

43 (9) "Property assessed clean energy local finance fund", a fund
44 that may be established by the authority for the purpose of making
45 loans to clean energy development boards to establish and maintain
46 property assessed clean energy programs;

47 (10) "Property assessed clean energy program", a program
48 established by a clean energy development board to finance energy
49 efficiency improvements or renewable energy improvements under
50 section 67.2820;

51 (11) "Renewable energy improvement", any acquisition and
52 installation of a fixture, product, system, device, or combination thereof
53 on publicly or privately owned property that produces energy from
54 renewable resources, including, but not limited to photovoltaic systems,
55 solar thermal systems, wind systems, biomass systems, or geothermal
56 systems.

57 3. All projects undertaken under sections 67.2800 to 67.2835 are
58 subject to the applicable municipality's ordinances and regulations,
59 including, but not limited to those ordinances and regulations
60 concerning zoning, subdivision, building, fire safety, and historic or
61 architectural review.

 67.2805. 1. The authority may, as needed, promulgate
2 administrative rules and regulations relating to the following:

3 (1) Guidelines and specifications for administering the property
4 assessed clean energy local finance fund; and

5 (2) Any clarification to the definitions of energy efficiency
6 improvement and renewable energy improvement as the authority may
7 determine is necessary or advisable.

8 2. Any rule or portion of a rule, as that term is defined in section
9 536.010, that is created under the authority delegated in this section
10 shall become effective only if it complies with and is subject to all of
11 the provisions of chapter 536 and, if applicable, section 536.028. This
12 section and chapter 536 are nonseverable and if any of the powers
13 vested with the general assembly under chapter 536 to review, to delay
14 the effective date, or to disapprove and annul a rule are subsequently
15 held unconstitutional, then the grant of rulemaking authority and any
16 rule proposed or adopted after August 28, 2010, shall be invalid and

17 void.

67.2810. 1. One or more municipalities may form clean energy
2 development boards for the purpose of exercising the powers described
3 in sections 67.2800 to 67.2835. Each clean energy development board
4 shall consist of not less than three members, as set forth in the
5 ordinance or order establishing the clean energy development
6 board. Members shall serve terms as set forth in the ordinance or
7 order establishing the clean energy development board and shall be
8 appointed:

9 (1) If only one municipality is participating in the clean energy
10 development board, by the chief elected officer of the municipality with
11 the consent of the governing body of the municipality; or

12 (2) If more than one municipality is participating, in a manner
13 agreed to by all participating municipalities.

14 2. A clean energy development board shall be a political
15 subdivision of the state and shall have all powers necessary and
16 convenient to carry out and effectuate the provisions of sections
17 67.2800 to 67.2835, including, but not limited to the following:

18 (1) To adopt, amend, and repeal bylaws, which are not
19 inconsistent with sections 67.2800 to 67.2835;

20 (2) To adopt an official seal;

21 (3) To sue and be sued;

22 (4) To make and enter into contracts and other instruments with
23 public and private entities;

24 (5) To accept grants, guarantees, and donations of property,
25 labor, services, and other things of value from any public or private
26 source;

27 (6) To employ or contract for such managerial, legal, technical,
28 clerical, accounting, or other assistance it deems advisable;

29 (7) To levy and collect special assessments under an assessment
30 contract with a property owner and to record such special assessments
31 as a lien on the property;

32 (8) To borrow money from any public or private source and issue
33 bonds and provide security for the repayment of the same;

34 (9) To finance a project under an assessment contract;

35 (10) To collect reasonable fees and charges in connection with
36 making and servicing assessment contracts and in connection with any

37 **technical, consultative, or project assistance services offered;**

38 **(11) To invest any funds not required for immediate**
39 **disbursement in obligations of the state of Missouri or of the United**
40 **States or any agency or instrumentality thereof, or in bank certificates**
41 **of deposit; provided, however, the limitations on investments provided**
42 **in this subdivision shall not apply to proceeds acquired from the sale**
43 **of bonds which are held by a corporate trustee; and**

44 **(12) To take whatever actions necessary to participate in and**
45 **administer a clean energy conduit financing or a property assessed**
46 **clean energy program.**

47 **3. No later than July first of each year, the clean energy**
48 **development board shall file with each municipality that participated**
49 **in the formation of the clean energy development board and with the**
50 **director of the department of natural resources, an annual report for**
51 **the preceding calendar year that includes:**

52 **(1) A brief description of each project financed by the clean**
53 **energy development board during the preceding calendar year, which**
54 **shall include the physical address of the property, the name or names**
55 **of the property owner, an itemized list of the costs of the project, and**
56 **the name of any contractors used to complete the project;**

57 **(2) The amount of assessments due and the amount collected**
58 **during the preceding calendar year;**

59 **(3) The amount of clean energy development board**
60 **administrative costs incurred during the preceding calendar year;**

61 **(4) The estimated cumulative energy savings resulting from all**
62 **energy efficiency improvements financed during the preceding**
63 **calendar year; and**

64 **(5) The estimated cumulative energy produced by all renewable**
65 **energy improvements financed during the preceding calendar year.**

66 **4. No lawsuit to set aside the formation of a clean energy**
67 **development board or to otherwise question the proceedings related**
68 **thereto shall be brought after the expiration of sixty days from the**
69 **effective date of the ordinance or order creating the clean energy**
70 **development board. No lawsuit to set aside the approval of a project,**
71 **an assessment contract, or a special assessment levied by a clean**
72 **energy development board, or to otherwise question the proceedings**
73 **related thereto shall be brought after the expiration of sixty days from**

74 the date that the assessment contract is executed.

67.2815. 1. A clean energy development board shall not enter
2 into an assessment contract or levy or collect a special assessment for
3 a project without making a finding that there are sufficient resources
4 to complete the project and that the estimated economic benefit
5 expected from the project during the financing period is equal to or
6 greater than the cost of the project.

7 2. An assessment contract shall be executed by the clean energy
8 development board and the benefitted property owner or property
9 owners and shall provide:

10 (1) A description of the project, including the estimated cost of
11 the project and details on how the project will either reduce energy
12 consumption or create energy from renewable sources;

13 (2) A mechanism for:

14 (a) Verifying the final costs of the project upon its completion;
15 and

16 (b) Ensuring that any amounts advanced or otherwise paid by
17 the clean energy development board toward costs of the project will not
18 exceed the final cost of the project;

19 (3) An acknowledgment by the property owner that the property
20 owner has received or will receive a special benefit by financing a
21 project through the clean energy development board that equals or
22 exceeds the total assessments due under the assessment contract;

23 (4) An agreement by the property owner to pay annual special
24 assessments for a period not to exceed twenty years, as specified in the
25 assessment contract;

26 (5) A statement that the obligations set forth in the assessment
27 contract, including the obligation to pay annual special assessments,
28 are a covenant that shall run with the land and be obligations upon
29 future owners of such property; and

30 (6) An acknowledgment that no subdivision of property subject
31 to the assessment contract shall be valid unless the assessment contract
32 or an amendment thereof divides the total annual special assessment
33 due between the newly subdivided parcels pro rata to the special
34 benefit realized by each subdivided parcel.

35 3. The total special assessments levied against a property under
36 an assessment contract shall not exceed the sum of the cost of the

37 project, including any required energy audits and inspections, or
38 portion thereof financed through the participation in a property
39 assessed clean energy program or clean energy conduit financing,
40 including the costs of any audits or inspections required by the clean
41 energy development board, plus such administration fees, interest, and
42 other financing costs reasonably required by the clean energy
43 development board.

44 4. The clean energy development board shall provide a copy of
45 each signed assessment contract to the local county assessor and
46 county collector and shall cause a copy of such assessment contract to
47 be recorded in the real estate records of the county recorder of deeds.

48 5. Special assessments agreed to under an assessment contract
49 shall be a lien on the property against which it is assessed on behalf of
50 the applicable clean energy development board from the date that each
51 annual assessment under the assessment contract becomes due. Such
52 special assessments shall be collected by the county collector in the
53 same manner and with the same priority as ad valorem real property
54 taxes. Once collected, the county collector shall pay over such special
55 assessment revenues to the clean energy development board in the
56 same manner in which revenues from ad valorem real property taxes
57 are paid to other taxing districts. Such special assessments shall be
58 collected as provided in this subsection from all subsequent property
59 owners, including the state and all political subdivisions thereof, for
60 the term of the assessment contract.

61 6. Any clean energy development board that contracts for outside
62 administrative services to provide financing origination for a project
63 shall offer the right of first refusal to enter into such a contract to a
64 federally insured depository institution with a physical presence in
65 Missouri upon the same terms and conditions as would otherwise be
66 approved by the clean energy development board. Such right of first
67 refusal shall not be applicable to the origination of any transaction that
68 involves the issuance of bonds by the clean energy development board.

67.2820. 1. Any clean energy development board may establish
2 a property assessed clean energy program to finance energy efficiency
3 improvements or renewable energy improvements. A property assessed
4 clean energy program shall consist of a program whereby a property
5 owner may apply to a clean energy development board to finance the

6 costs of a project through annual special assessments levied under an
7 assessment contract.

8 2. A clean energy development board may establish application
9 requirements and criteria for project financing approval as it deems
10 necessary to effectively administer such program and ration available
11 funding among projects, including but not limited to requiring projects
12 to meet certain energy efficiency standards.

13 3. Clean energy development boards shall ensure that any
14 property owner approved by the board to participate in a property
15 assessed clean energy program or clean energy conduit financing under
16 sections 67.2800 to 67.2835 shall have good credit worthiness or shall
17 otherwise be considered a low risk for failure to meet the obligations
18 of the program or conduit financing.

19 4. A clean energy development board may require an initial
20 energy audit conducted by a qualified home energy auditor as defined
21 in subdivision (4) of subsection 1 of section 640.153 as a prerequisite to
22 project financing through a property assessed clean energy program as
23 well as inspections to verify project completion.

67.2825. 1. In lieu of financing a project through a property
2 assessed clean energy program, a clean energy development board may
3 seek to finance any number of projects to be installed within a single
4 parcel of property or within a unified development consisting of
5 multiple adjoining parcels of property by participating in a clean
6 energy conduit financing.

7 2. A clean energy conduit financing shall consist of the issuance
8 of bonds under section 67.2830 payable from the special assessment
9 revenues collected under an assessment contract with the property
10 owner participating in the clean energy conduit financing and any
11 other revenues pledged thereto.

67.2830. 1. A clean energy development board may issue bonds
2 payable from special assessment revenues generated by assessment
3 contracts and any other revenues pledged thereto. The bonds shall be
4 authorized by resolution of the clean energy development board, shall
5 bear such date or dates, and shall mature at such time or times as the
6 resolution shall specify, provided that the term of any bonds issued for
7 a clean energy conduit financing shall not exceed twenty years. The
8 bonds shall be in such denomination, bear interest at such rate, be in

9 such form, be issued in such manner, be payable in such place or
10 places, and be subject to redemption as such resolution may
11 provide. Notwithstanding any provision to the contrary under this
12 section, issuance of the bonds shall conform to the requirements of
13 subsection 1 of section 108.170.

14 2. Any bonds issued under this section shall not constitute an
15 indebtedness of the state or any municipality. Neither the state nor
16 any municipality shall be liable on such bonds, and the form of such
17 bonds shall contain a statement to such effect.

67.2835. The director of the department of economic development
2 is authorized to allocate the state's residual share, or any portion
3 thereof, of the national qualified energy conservation bond limitation
4 under Section 54D of the Internal Revenue Code of 1986, as amended,
5 for any purposes described therein to the authority, any clean energy
6 development board, the state, any political subdivision, instrumentality,
7 or other body corporate and politic.

192.1250. The department of health and senior services shall
2 examine the feasibility of implementing a real-time water quality
3 testing system in the state and shall issue a report of its findings to the
4 general assembly by December 31, 2010.

260.005. As used in sections 260.005 to 260.125, the following words and
2 terms mean:

3 (1) "Authority", the state environmental improvement and energy
4 resources authority created by sections 260.005 to 260.125;

5 (2) "Bonds", bonds issued by the authority pursuant to the provisions of
6 sections 260.005 to 260.125;

7 (3) "Cost", the expense of the acquisition of land, rights-of-way, easements
8 and other interests in real property and the expense of acquiring or constructing
9 buildings, improvements, machinery and equipment relating to any project,
10 including the cost of demolishing or removing any existing structures, interest
11 during the construction of any project and engineering, research, legal, consulting
12 and other expenses necessary or incident to determining the feasibility or
13 practicability of any project and carrying out the same, all of which are to be paid
14 out of the proceeds of the bonds or notes authorized by sections 260.005 to
15 260.125;

16 (4) "Disposal of solid waste or sewage", the entire process of storage,

- 17 collection, transportation, processing and disposal of solid wastes or sewage;
- 18 (5) "Energy conservation", the reduction of energy consumption;
- 19 (6) "Energy efficiency", the increased productivity or effectiveness of
20 energy resources use, the reduction of energy consumption, or the use of
21 renewable energy sources;
- 22 (7) "Notes", notes issued by the authority pursuant to sections 260.005 to
23 260.125;
- 24 (8) "Pollution", the placing of any noxious substance in the air or waters
25 or on the lands of this state in sufficient quantity and of such amounts,
26 characteristics and duration as to injure or harm the public health or welfare or
27 animal life or property;
- 28 (9) "Project", any facility, including land, disposal areas, incinerators,
29 buildings, fixtures, machinery, equipment, and devices or modifications to a
30 building or facility, acquired or constructed, or to be acquired or constructed for
31 the purpose of developing energy resources or preventing or reducing pollution
32 or the disposal of solid waste or sewage or providing water facilities or resource
33 recovery facilities or carrying out energy efficiency modifications in, but not
34 limited to, buildings owned by the state or providing for energy conservation or
35 increased energy efficiency **or renewable energy**;
- 36 (10) **"Renewable energy", the production of energy from renewable**
37 **resources, including, but not limited to, photovoltaic systems, solar**
38 **thermal systems, wind systems, biomass systems, or geothermal**
39 **systems**;
- 40 (11) "Resource recovery", the recovery of material or energy from solid
41 waste;
- 42 [(11)] (12) "Resource recovery facility", any facility at which solid waste
43 is processed for the purpose of extracting, converting to energy, or otherwise
44 separating and preparing solid waste for reuse;
- 45 [(12)] (13) "Resource recovery system", a solid waste management system
46 which provides for collection, separation, recycling, and recovery of solid wastes,
47 including disposal of nonrecoverable waste residues;
- 48 [(13)] (14) "Revenues", all rents, installment payments on notes, interest
49 on loans, revenues, charges and other income received by the authority in
50 connection with any project and any gift, grant, or appropriation received by the
51 authority with respect thereto;
- 52 [(14)] (15) "Sewage", any liquid or gaseous waste resulting from

53 industrial, commercial, agricultural or community activities in such amounts,
54 characteristics and duration as to injure or harm the public health or welfare or
55 animal life or property;

56 [(15)] (16) "Solid waste", garbage, refuse, discarded materials and
57 undesirable solid and semisolid residual matter resulting from industrial,
58 commercial, agricultural or community activities in such amounts, characteristics
59 and duration as to injure or harm the public health or welfare or animal life or
60 property;

61 [(16)] (17) "Synthetic fuels", any solid, liquid, or gas or combination
62 thereof, which can be used as a substitute for petroleum or natural gas (or any
63 derivatives thereof, including chemical feedstocks) and which is produced by
64 chemical or physical transformation (other than washing, coking, or desulfurizing)
65 of domestic sources of coal, including lignite and peat; shale; tar sands, including
66 heavy oils; water as a source of hydrogen only through electrolysis, and mixtures
67 of coal and combustible liquids including petroleum; and

68 [(17)] (18) "Water facilities", any facilities for the furnishing of water for
69 industrial, commercial, agricultural or community purposes including, but not
70 limited to, wells, reservoirs, dams, pumping stations, water lines, sewer lines,
71 treatment plants, stabilization ponds, storm sewers, related equipment and
72 machinery.

260.080. No part of the funds of the authority shall inure to the benefit
2 of or be distributable to its members or other private persons except that the
3 authority is authorized and empowered to pay reasonable compensation for
4 services rendered as herein provided for **and to otherwise carry out the**
5 **provisions of sections 260.005 to 260.125.**

260.244. 1. This section shall be known and may be cited as the
2 **"Missouri Soil Enrichment Initiative".**

3 **2. For purposes of this section, the following terms shall mean:**

- 4 (1) "Commercial compost facility" or "commercial composting
5 facility", any compost or composting facility that receives financial
6 compensation for accepting organic material for composting or from
7 the sale of compost produced, excluding local government owned and
8 operated compost facilities and compost facilities operated by
9 elementary and secondary schools or institutions of higher education;
10 (2) "Compost", the end product of a composting process;
11 (3) "Composting", the controlled biological decomposition of

12 organic materials to produce a stable humus-like product;

13 (4) "Composting facility" or "compost facility", a solid waste
14 processing facility using a controlled process of microbial degradation
15 of organic material which was not source-separated into a stable,
16 nuisance-free humus-like product;

17 (5) "Department", the Missouri department of natural resources;

18 (6) "Local government owned compost facility", any compost
19 facility that is owned and operated by a city or county government or
20 unit of city or county government;

21 (7) "Organic material", matter that comes from a once-living
22 organism and is capable of decay.

23 3. The department shall maintain a registry of commercial
24 compost facilities and local government owned compost facilities in this
25 state. Such registry shall be easily accessible to the public through the
26 department's website and identify registered compost facilities by
27 location.

28 4. Commercial compost facility owners or operators in operation
29 prior to January 1, 2011, shall register and begin paying an annual
30 registration fee to the department no later than January 31, 2011, and
31 thereafter each January thirty-first until the commercial composting
32 facility ceases operation and all compost is removed from the
33 facility. The department shall issue the commercial composting facility
34 owner or operator a registration certificate which shall be valid for the
35 calendar year.

36 5. Commercial compost facility owners and operators
37 commencing operation after January 1, 2011, shall register with the
38 department prior to accepting or composting organic material. Each
39 owner or operator of a commercial compost facility registering after
40 January 31, 2011, shall pay an initial prorated annual registration
41 fee. The prorated annual registration fee shall be determined by
42 dividing the appropriate annual fee in subsection 9 of this section by
43 the number of months remaining in the calendar year from the date of
44 the application submittal. Such prorated annual registration amount
45 shall be due from the applicant prior to the issuance by the department
46 of the registration certificate. The commercial compost facility owner
47 or operator shall thereafter follow the requirements set forth in
48 subsection 4 of this section for payment of the annual registration fee.

49 **6. Local government owned compost facilities in operation prior**
50 **to January 1, 2011, shall register with the department no later than**
51 **January 31, 2011, and thereafter each January thirty-first until the**
52 **local government owned compost facility ceases operation and all**
53 **compost is removed from the facility. The department shall issue the**
54 **local government owned compost facility owner or operator a**
55 **registration certificate which shall be valid for the calendar year.**

56 **7. Local government owned compost facility owners and**
57 **operators commencing operation after January 1, 2011, shall register**
58 **with the department prior to accepting or composting organic**
59 **material. The local government owned compost facility owner and**
60 **operator shall thereafter follow the requirements set forth in**
61 **subsection 6 of this section for annual registration.**

62 **8. The registration and annual fee shall be accompanied by**
63 **documentation demonstrating the compost facility is in compliance**
64 **with all applicable permits including exemptions and local planning or**
65 **zoning ordinances or a statement that local planning and zoning does**
66 **not exist in the area and no permits are required.**

67 **9. From each owner and operator of a registered commercial**
68 **compost facility, the department shall collect a fee based on the**
69 **combined size of the facility and any affiliated areas such as those used**
70 **for access roads, buffer zones, and storm water diversion structures as**
71 **follows:**

72 **(1) Less than or equal to five acres, five hundred dollars;**

73 **(2) More than five acres but less than or equal to twenty acres,**
74 **one thousand dollars;**

75 **(3) Greater than twenty acres, two thousand five hundred**
76 **dollars.**

77 **10. Each registered composting facility owner or operator shall**
78 **file an annual report with the department. Each owner or operator**
79 **shall report to the department: the name of the owner and operator;**
80 **the complete mailing address of the owner and operator, the facility's**
81 **physical address or addresses, telephone number, the amount of**
82 **organic material received during the prior calendar year, the estimated**
83 **amount of compostable material on-hand at the facility on the date the**
84 **annual report is prepared, and a statement certifying the facility and**
85 **any affiliated transfer facility or facilities are being operated in a**

86 manner that prevents nuisances and minimizes anaerobic
87 conditions. Such registered compost facility owners or operators
88 required to pay an annual fee shall submit such fee along with the
89 compost facility's annual report.

90 11. Each commercial composting facility owner or operator shall
91 submit the annual registration fee collected under this section to the
92 department of natural resources for deposit in the solid waste
93 management fund. All such fees shall be used to fund the operating
94 costs of the department's solid waste management program. The
95 provisions of section 33.080 to the contrary notwithstanding, moneys in
96 the account from collection of the annual registration fee shall not
97 lapse to general revenue at the end of each biennium.

98 12. The department may examine records and measure acreage
99 used by the commercial compost facility to verify payment of the
100 appropriate annual registration fee established in this section.

101 13. This section shall not apply to agricultural composting
102 facilities or residential composting facilities where the end product is
103 intended entirely for personal use and not for resale.

104 14. The department may promulgate by rule and regulation
105 procedures to implement the provisions of this section. Any rule or
106 portion of a rule, as that term is defined in section 536.010, that is
107 created under the authority delegated in this section shall become
108 effective only if it complies with and is subject to all of the provisions
109 of chapter 536 and, if applicable, section 536.028. This section and
110 chapter 536 are nonseverable and if any of the powers vested with the
111 general assembly under chapter 536 to review, to delay the effective
112 date, or to disapprove and annul a rule are subsequently held
113 unconstitutional, then the grant of rulemaking authority and any rule
114 proposed or adopted after August 28, 2010, shall be invalid and void.

341.230. 1. Within three years of the effective date of this
2 section, any county that contains any portion of a body of water that
3 runs through, adjacent to, or in any way touches any portion of state
4 park or national park property, shall adopt a plumbing code that shall
5 be applicable to both residential and commercial buildings. As used in
6 this section, "body of water" shall have the same meaning as "waters of
7 the state" in section 644.016.

8 2. Except as provided in subsection 3 of this section, any

9 **plumbing code adopted under this section shall meet or exceed the**
10 **requirements of a nationally recognized plumbing code, such as that**
11 **contained in the Uniform Building Code or the Standard Plumbing**
12 **Code.**

13 **3. Buildings or structures intended for agricultural use shall not**
14 **be required to comply with any plumbing code established under**
15 **subsection 1 of this section.**

16 **4. Any county in compliance with sections 341.090 through**
17 **341.220 shall be deemed to be in compliance with this section.**

386.210. 1. The commission may confer in person, or by correspondence,
2 by attending conventions, or in any other way, with the members of the public,
3 any public utility or similar commission of this and other states and the United
4 States of America, or any official, agency or instrumentality thereof, on any
5 matter relating to the performance of its duties.

6 2. Such communications may address any issue that at the time of such
7 communication is not the subject of a case that has been filed with the
8 commission.

9 3. Such communications may also address substantive or procedural
10 matters that are the subject of a pending filing or case in which no evidentiary
11 hearing has been scheduled, provided that the communication:

12 (1) Is made at a public agenda meeting of the commission where such
13 matter has been posted in advance as an item for discussion or decision;

14 (2) Is made at a forum where representatives of the public utility affected
15 thereby, the office of public counsel, and any other party to the case are present;
16 or

17 (3) If made outside such agenda meeting or forum, is subsequently
18 disclosed to the public utility, the office of the public counsel, and any other party
19 to the case in accordance with the following procedure:

20 (a) If the communication is written, the person or party making the
21 communication shall no later than the next business day following the
22 communication file a copy of the written communication in the official case file
23 of the pending filing or case and serve it upon all parties of record;

24 (b) If the communication is oral, the party making the oral communication
25 shall no later than the next business day following the communication file a
26 memorandum in the official case file of the pending case disclosing the
27 communication and serve such memorandum on all parties of record. The

28 memorandum must contain a summary of the substance of the communication
29 and not merely a listing of the subjects covered.

30 4. Nothing in this section or any other provision of law shall be construed
31 as imposing any limitation on the free exchange of ideas, views, and information
32 between any person and the commission or any commissioner, provided that such
33 communications relate to matters of general regulatory policy and do not address
34 the merits of the specific facts, evidence, claims, or positions presented or taken
35 in a pending case unless such communications comply with the provisions of
36 subsection 3 of this section.

37 5. The commission and any commissioner may also advise any member of
38 the general assembly or other governmental official of the issues or factual
39 allegations that are the subject of a pending case, provided that the commission
40 or commissioner does not express an opinion as to the merits of such issues or
41 allegations, and may discuss in a public agenda meeting with parties to a case in
42 which an evidentiary hearing has been scheduled, any procedural matter in such
43 case or any matter relating to a unanimous stipulation or agreement resolving all
44 of the issues in such case.

45 6. The commission may enter into and establish fair and equitable
46 cooperative agreements or contracts with or act as an agent or licensee for the
47 United States of America, or any official, agency or instrumentality thereof, or
48 any public utility or similar commission of other states, that are proper,
49 expedient, fair and equitable and in the interest of the state of Missouri and the
50 citizens thereof, for the purpose of carrying out its duties pursuant to section
51 386.250 as limited and supplemented by section 386.030 and to that end the
52 commission may receive and disburse any contributions, grants or other financial
53 assistance as a result of or pursuant to such agreements or contracts. Any
54 contributions, grants or other financial assistance so received shall be deposited
55 in the public service commission utility fund or the state highway commission
56 fund depending upon the purposes for which they are received.

57 7. The commission may make joint investigations, hold joint hearings
58 within or without the state, and issue joint or concurrent orders in conjunction
59 or concurrence with any railroad, public utility or similar commission, of other
60 states or the United States of America, or any official, agency or any
61 instrumentality thereof, except that in the holding of such investigations or
62 hearings, or in the making of such orders, the commission shall function under
63 agreements or contracts between states or under the concurrent power of states

64 to regulate interstate commerce, or as an agent of the United States of America,
65 or any official, agency or instrumentality thereof, or otherwise.

66 **8. The commission may appear in any proceeding at the Federal**
67 **Energy Regulatory Commission, the Nuclear Regulatory Commission,**
68 **the Federal Communications Commission, or any other federal**
69 **administrative agency that has jurisdiction over a utility that is**
70 **regulated by the commission or whose decisions may affect utility rates**
71 **or service in Missouri. The commission may also file or otherwise**
72 **participate in appeals from such federal administrative agencies. This**
73 **subsection applies to all proceedings pending at the time of, or**
74 **commenced after, the effective date of this section.**

640.085. The functions and duties of the department of natural
2 **resources' environmental services program are hereby transferred to**
3 **the department of health and senior services. All necessary**
4 **administrative and staff changes associated with this transfer shall be**
5 **completed by June 30, 2012.**

640.100. 1. The safe drinking water commission created in section
2 640.105 shall promulgate rules necessary for the implementation, administration
3 and enforcement of sections 640.100 to 640.140 and the federal Safe Drinking
4 Water Act as amended.

5 2. No standard, rule or regulation or any amendment or repeal thereof
6 shall be adopted except after a public hearing to be held by the commission after
7 at least thirty days' prior notice in the manner prescribed by the rulemaking
8 provisions of chapter 536, RSMo, and an opportunity given to the public to be
9 heard; the commission may solicit the views, in writing, of persons who may be
10 affected by, knowledgeable about, or interested in proposed rules and regulations,
11 or standards. Any person heard or registered at the hearing, or making written
12 request for notice, shall be given written notice of the action of the commission
13 with respect to the subject thereof. Any rule or portion of a rule, as that term is
14 defined in section 536.010, RSMo, that is promulgated to administer and enforce
15 sections 640.100 to 640.140 shall become effective only if the agency has fully
16 complied with all of the requirements of chapter 536, RSMo, including but not
17 limited to section 536.028, RSMo, if applicable, after June 9, 1998. All
18 rulemaking authority delegated prior to June 9, 1998, is of no force and effect and
19 repealed as of June 9, 1998, however, nothing in this section shall be interpreted
20 to repeal or affect the validity of any rule adopted or promulgated prior to June

21 9, 1998. If the provisions of section 536.028, RSMo, apply, the provisions of this
22 section are nonseverable and if any of the powers vested with the general
23 assembly pursuant to section 536.028, RSMo, to review, to delay the effective
24 date, or to disapprove and annul a rule or portion of a rule are held
25 unconstitutional or invalid, the purported grant of rulemaking authority and any
26 rule so proposed and contained in the order of rulemaking shall be invalid and
27 void, except that nothing in this chapter or chapter 644, RSMo, shall affect the
28 validity of any rule adopted and promulgated prior to June 9, 1998.

29 3. The commission shall promulgate rules and regulations for the
30 certification of public water system operators, backflow prevention assembly
31 testers and laboratories conducting tests pursuant to sections 640.100 to
32 640.140. Any person seeking to be a certified backflow prevention assembly
33 tester shall satisfactorily complete standard, nationally recognized written and
34 performance examinations designed to ensure that the person is competent to
35 determine if the assembly is functioning within its design specifications. Any
36 such state certification shall satisfy any need for local certification as a backflow
37 prevention assembly tester. However, political subdivisions may set additional
38 testing standards for individuals who are seeking to be certified as backflow
39 prevention assembly testers. Notwithstanding any other provision of law to the
40 contrary, agencies of the state or its political subdivisions shall only require
41 carbonated beverage dispensers to conform to the backflow protection
42 requirements established in the National Sanitation Foundation standard
43 eighteen, and the dispensers shall be so listed by an independent testing
44 laboratory. The commission shall promulgate rules and regulations for collection
45 of samples and analysis of water furnished by municipalities, corporations,
46 companies, state establishments, federal establishments or individuals to the
47 public. The [department of natural resources or the] department of health and
48 senior services shall, at the request of any supplier, make any analyses or tests
49 required pursuant to the terms of section 192.320, RSMo, and sections 640.100
50 to 640.140. The department shall collect fees to cover the reasonable cost of
51 laboratory services[, both within] **provided by** the [department of natural
52 resources and the] department of health and senior services, laboratory
53 certification and program administration as required by sections 640.100 to
54 640.140. The laboratory services and program administration fees pursuant to
55 this subsection shall not exceed two hundred dollars for a supplier supplying less
56 than four thousand one hundred service connections, three hundred dollars for

57 supplying less than seven thousand six hundred service connections, five hundred
 58 dollars for supplying seven thousand six hundred or more service connections,
 59 and five hundred dollars for testing surface water. Such fees shall be deposited
 60 in the safe drinking water fund as specified in section 640.110. The analysis of
 61 all drinking water required by section 192.320, RSMo, and sections 640.100 to
 62 640.140 shall be made by the [department of natural resources laboratories,]
 63 department of health and senior services laboratories or laboratories certified by
 64 the department of [natural resources] **health and senior services**.

65 4. The department of natural resources shall establish and maintain an
 66 inventory of public water supplies and conduct sanitary surveys of public water
 67 systems. Such records shall be available for public inspection during regular
 68 business hours.

69 5. (1) For the purpose of complying with federal requirements for
 70 maintaining the primacy of state enforcement of the federal Safe Drinking Water
 71 Act, the department is hereby directed to request appropriations from the general
 72 revenue fund and all other appropriate sources to fund the activities of the public
 73 drinking water program and in addition to the fees authorized pursuant to
 74 subsection 3 of this section, an annual fee for each customer service connection
 75 with a public water system is hereby authorized to be imposed upon all customers
 76 of public water systems in this state. The fees collected shall not exceed the
 77 amounts specified in this subsection and the commission may set the fees, by
 78 rule, in a lower amount by proportionally reducing all fees charged pursuant to
 79 this subsection from the specified maximum amounts. Reductions shall be
 80 roughly proportional but in each case shall be divisible by twelve. Each customer
 81 of a public water system shall pay an annual fee for each customer service
 82 connection.

83 (2) The annual fee per customer service connection for unmetered
 84 customers and customers with meters not greater than one inch in size shall be
 85 based upon the number of service connections in the water system serving that
 86 customer, and shall not exceed:

87	1 to 1,000 connections.....	\$ 3.24
88	1,001 to 4,000 connections.....	3.00
89	4,001 to 7,000 connections.....	2.76
90	7,001 to 10,000 connections.....	2.40
91	10,001 to 20,000 connections.....	2.16
92	20,001 to 35,000 connections.....	1.92

93	35,001 to 50,000 connections.....	1.56
94	50,001 to 100,000 connections	1.32
95	More than 100,000 connections	1.08.

96 (3) The annual user fee for customers having meters greater than one inch
 97 but less than or equal to two inches in size shall not exceed seven dollars and
 98 forty-four cents; for customers with meters greater than two inches but less than
 99 or equal to four inches in size shall not exceed forty-one dollars and sixteen cents;
 100 and for customers with meters greater than four inches in size shall not exceed
 101 eighty-two dollars and forty-four cents.

102 (4) Customers served by multiple connections shall pay an annual user
 103 fee based on the above rates for each connection, except that no single facility
 104 served by multiple connections shall pay a total of more than five hundred dollars
 105 per year.

106 6. Fees imposed pursuant to subsection 5 of this section shall become
 107 effective on August 28, 2006, and shall be collected by the public water system
 108 serving the customer beginning September 1, 2006, and continuing until such
 109 time that the safe drinking water commission, at its discretion, specifies a lower
 110 amount under subdivision (1) of subsection 5 of this section. The commission
 111 shall promulgate rules and regulations on the procedures for billing, collection
 112 and delinquent payment. Fees collected by a public water system pursuant to
 113 subsection 5 of this section are state fees. The annual fee shall be enumerated
 114 separately from all other charges, and shall be collected in monthly, quarterly or
 115 annual increments. Such fees shall be transferred to the director of the
 116 department of revenue at frequencies not less than quarterly. Two percent of the
 117 revenue arising from the fees shall be retained by the public water system for the
 118 purpose of reimbursing its expenses for billing and collection of such fees.

119 7. Imposition and collection of the fees authorized in subsection 5 of this
 120 section shall be suspended on the first day of a calendar quarter if, during the
 121 preceding calendar quarter, the federally delegated authority granted to the safe
 122 drinking water program within the department of natural resources to administer
 123 the Safe Drinking Water Act, 42 U.S.C. 300g-2, is withdrawn. The fee shall not
 124 be reinstated until the first day of the calendar quarter following the quarter
 125 during which such delegated authority is reinstated.

126 8. Fees imposed pursuant to subsection 5 of this section shall expire on
 127 September 1, 2012.

640.116. 1. Any water system that serves a charitable or

2 benevolent organization, if the system does not regularly serve an
3 average of one hundred persons or more at least sixty days out of the
4 year and the system does not serve a school or day-care facility, shall
5 be exempt from all rules relating to well construction except any rules
6 established under sections 256.600 to 256.640 applying to multifamily
7 wells, unless such wells or pump installations for such wells are
8 determined to present a threat to groundwater or public health.

9 2. If the system incurs three or more total coliform maximum
10 contaminant level violations in a twelve-month period or one acute
11 maximum contaminant level violation, the system owner shall either
12 provide an alternate source of water, eliminate the source of
13 contamination, or provide treatment that reliably achieves at least
14 4-log (ninety-nine and ninety-nine one-hundredths percent) treatment
15 of viruses.

640.128. If an entity that holds a permit issued under chapter 644
2 or under sections 640.100 to 640.140 voluntarily reports to the
3 department of natural resources the results of any water quality testing
4 conducted by the entity, and such results indicate a potential risk to
5 public health, the department shall immediately notify the local public
6 health authority and the department of health and senior services.

644.200. 1. On and after July 1, 2012, any laboratory testing
2 conducted by or on behalf of the state of Missouri for any purpose
3 authorized under this chapter or under sections 640.100 to 640.140 shall
4 be conducted either by a laboratory operated by the department of
5 health and senior services or by a laboratory certified by the
6 department of health and senior services.

7 2. Notwithstanding any provision of chapter 610 to the contrary,
8 and regardless of the implications or circumstances of the testing
9 results, the department of health and senior services shall make the
10 results of any laboratory testing under subsection 1 of this section
11 available to the public within forty-eight hours of its receipt of the
12 results. It shall not be considered a violation of this section for the
13 results to be posted the following Monday if such results are received
14 anytime after 5:00 p.m. on Wednesday through Friday of any given
15 week.

16 3. If the samples being tested under this section were collected
17 by any entity other than the department of health and senior services,

18 then the results under subsection 2 of this section shall also be directly
19 transmitted by the department of health and senior services to the
20 entity that collected the samples within forty-eight hours of the
21 department's receipt of the results. It shall not be considered a
22 violation of this section for the results to be transmitted the following
23 Monday if such results are received anytime after 5:00 p.m. on
24 Wednesday through Friday of any given week.

25 **4. The requirements of subsections 2 and 3 of this section shall**
26 **apply even if the laboratory test results indicate a potential risk to**
27 **public health or to the environment. In the event of any indication of**
28 **such potential risk, the department of health and senior services may**
29 **work in cooperation with the department of natural resources to assess**
30 **the risk and develop a plan to address the problem.**

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

2 (1) Promulgate such rules and regulations as are necessary to carry out
3 the provisions of sections 701.025 to 701.059;

4 (2) Cause investigations to be made when a violation of any provision of
5 sections 701.025 to 701.059 or the on-site sewage disposal rules promulgated
6 under sections 701.025 to 701.059 is reported to the department;

7 (3) Enter at reasonable times and determining probable cause that a
8 violation exists, upon private or public property for the purpose of inspecting and
9 investigating conditions relating to the administration and enforcement of
10 sections 701.025 to 701.059 and the on-site sewage disposal rules promulgated
11 under sections 701.025 to 701.059;

12 (4) Authorize the trial or experimental use of innovative systems for
13 on-site sewage disposal, after consultation with the staff of the Missouri clean
14 water commission, upon such conditions as the department may set;

15 **(5) Provide technical assistance, guidance, and oversight to any**
16 **other administrative authority in the state on the regulation and**
17 **enforcement of standards for individual on-site sewage disposal**
18 **systems, at the request of such other administrative authority, or when**
19 **the department determines that such assistance, guidance, or oversight**
20 **is necessary to prevent a violation of sections 701.025 to 701.059.**

21 2. No rule or portion of a rule promulgated under the authority of sections
22 701.025 to 701.059 shall become effective unless it has been promulgated
23 pursuant to the provisions of section 536.024, RSMo.

Section B. Because of the immediate need for public service commissioners
2 to be able to appear at federal hearings and intervene in federal cases, the repeal
3 and reenactment of section 386.210 of this act is deemed necessary for the
4 immediate preservation of the public health, welfare, peace and safety, and is
5 hereby declared to be an emergency act within the meaning of the constitution,
6 and the repeal and reenactment of section 386.210 of this act shall be in full force
7 and effect upon its passage and approval.

✓