

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1207

AN ACT

2 To repeal sections 245.015, 245.060, 245.095,
3 and 246.305, RSMo, and to enact in lieu
4 thereof four new sections relating to levee
5 districts.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
7 AS FOLLOWS:

8 Section A. Sections 245.015, 245.060, 245.095, and 246.305,
9 RSMo, are repealed and four new sections enacted in lieu thereof,
10 to be known as sections 245.015, 245.060, 245.095, and 246.305,
11 to read as follows:

12 245.015. The owners of a majority of the acreage in any
13 contiguous body of swamp, wet or overflowed land or other
14 property in the nature of individual or corporate franchises in
15 this state, or land subject to overflow, wash or bank erosion,
16 [situate] located in one or more counties or in a third or fourth
17 class city, town, or village in this state or in any city [in
18 this state under sixty thousand population operating under a
19 special charter], town, or village in this state not located

1 within any county with a charter form of government and with more
2 than two hundred fifty thousand but less than three hundred fifty
3 thousand inhabitants, may form a levee district for the purpose
4 of having such land and other property reclaimed and protected
5 from the effects of overflow and other water, for sanitary or
6 agricultural purposes, or from the effect of wash or bank
7 erosion, or when the same may be conducive to the public health,
8 convenience or welfare, or of public utility or benefit, by
9 levee, or otherwise, and for that purpose they may make and sign
10 articles of association in which shall be stated: The name of
11 the district, and the number of years the same is to continue;
12 the boundary lines of the proposed levee district; the names as
13 listed on the county assessor's records of the owners of land or
14 other individual or corporate franchise property in [said] such
15 district, together with a plat of the district showing the lands
16 to be covered in the district; [said] such articles shall further
17 state that the owners of real estate and other such property
18 within [said] the district whose names are subscribed to [said]
19 such articles are willing to and do obligate themselves to pay
20 the tax or taxes which may be assessed against their respective
21 lands or other property to pay the expense of organizing, and of
22 making and maintaining the improvements that may be necessary to
23 effect the reclamation or protection of [said] such lands or
24 other such property, so formed into a levee district, and to
25 reclaim and to protect the same from the effects of overflow and

1 other water, or from bank erosion or wash, and [said] the
2 articles of association shall contain a petition praying that the
3 lands and other property described therein be declared a levee
4 district under the provisions of this law. After [said] the
5 articles of association and petition have been so signed the same
6 shall be filed in the office of the circuit clerk of the county
7 in which such lands and other property are [situate] located; or,
8 if such lands and other property be composed of tracts or parcels
9 [situate] located in two or more different counties then in the
10 office of the clerk of the circuit court of the county in which
11 [there are situate] more of [said] such lands and other property
12 are located than in any other county; provided, that in the event
13 any work is to be done upon any navigable stream, the consent of
14 the federal government shall be obtained to make such improvement
15 or improvements before the actual work on the improvements shall
16 be begun.

17 245.060. Within thirty days after any levee district shall
18 have been organized and incorporated under the provisions of
19 section 245.025 the circuit clerk of the court organizing [said]
20 such district shall, upon giving notice by causing publication to
21 be made once a week for two consecutive weeks in some newspaper
22 published in each county in which lands of the district are
23 [situate] located, the last insertion to be at least ten days
24 before the day of such meeting, call a meeting of the owners of
25 real estate or other property [situate] located in [said] such

1 district, including the authorized representative of any
2 corporation which owns real estate or other property [situate]
3 located in [said] such district, at a day and hour specified in
4 some public place in the county in which the district was
5 organized, for the purpose of electing a board of five
6 supervisors, to be composed of owners of real estate in [said]
7 the district, which may include the authorized representative of
8 any corporation which owns real estate or other property in
9 [said] the district, two of whom at least shall be residents of
10 the county or counties in which [said] the district is [situate]
11 located, or some adjoining counties; the landowners, when
12 assembled, shall organize by the election of a chairman and
13 secretary of the meeting, who shall conduct the election; at such
14 election each and every acre of land and each and every mile of
15 right-of-way of every corporation owning a franchise in the
16 district shall represent one share, and each owner shall be
17 entitled to one vote in person or by proxy for every acre of land
18 or mile of right-of-way owned by him or her in such district, and
19 the five persons receiving the highest number of votes shall be
20 declared elected as supervisors; and [said] the supervisors shall
21 immediately by lot determine the terms of their office, which
22 shall be respectively one, two, three, four and five years, and
23 they shall serve until their successors shall have been elected
24 and qualified; provided, that if the levee district be located
25 wholly within a third or fourth class city of this state, or

1 within any city in this state under fifty thousand population
2 operating under a special charter then the owner of each lot,
3 tract, parcel or subdivision thereof, as set forth in the final
4 decree of the court creating and incorporating [said] such levee
5 district, shall be entitled to one vote, in person or by proxy,
6 for each lot, tract, parcel or subdivision thereof, owned by him
7 or her.

8 245.095. 1. In order to effect the leveeing, protection
9 and reclamation of the land and other property in the district
10 subject to tax, the board of supervisors is authorized and
11 empowered to straighten, widen, change the course and line of any
12 levee in or out of [said] such district; to fill up any creek,
13 drain, channel, river, watercourse or natural stream; and to
14 divert or divide the flow of water in or out of [said] the
15 district; to construct and maintain sewers, levees, dikes, dams,
16 sluices, revetments, drainage ditches, pumping stations, syphons
17 and any other works and improvements deemed necessary to preserve
18 and maintain the works in or out of [said] the district; to
19 construct roadways over levees and embankments; to construct any
20 and all of [said] such works and improvements across, through or
21 over any public highway, railroad right-of-way, track, grade,
22 fill or cut in or out of [said] the district; to remove any
23 fence, building or other improvements in or out of [said] the
24 district, and shall have the right to hold, control and acquire
25 by donation or purchase, and if need be, condemn any land,

1 easement, railroad or other right-of-way, sluice or franchise in
2 or out of [said] the district for right-of-way, or for any of the
3 purposes herein provided, or for material to be used in
4 constructing and maintaining [said] such works and improvements
5 for leveeing, protecting and reclaiming the lands in [said] the
6 district. [Said] The board shall also have the right to condemn
7 for the use of the district, any land or property within or
8 without [said] the district not acquired or condemned by the
9 court on the report of the commissioners assessing benefits and
10 damages and shall follow the procedure that is now provided by
11 law for the appropriation of land or other property taken for
12 telegraph, telephone and railroad rights-of-way.

13 2. In addition to the powers granted in subsection 1 of
14 this section, in any levee district formed under the laws of this
15 state having an assessed valuation of real property of twenty-
16 five million dollars or greater and located, in whole or in part,
17 in any county with a charter form of government and with more
18 than one million inhabitants, the board of supervisors is
19 authorized to construct and maintain waterlines and any other
20 works and improvements deemed necessary to preserve and maintain
21 the works in or out of the district.

22 246.305. 1. In any levee district formed pursuant to the
23 laws of this state having assessed valuation of real property of
24 twenty-five million dollars or greater, which is located in whole
25 or in part in a county [having over nine hundred thousand in

1 population] with a charter form of government and with more than
2 one million inhabitants according to the last decennial census,
3 the board of supervisors may by order, resolution or ordinance,
4 following a public hearing thereon called upon notice as provided
5 in section 245.060, RSMo, adopt the following alternative
6 [procedures] procedure with respect to voting rights [and
7 apportionment of installment taxes]:

8 [(1)] Voting by landowners of the levee district shall be
9 determined on the basis of the assessed benefits of the property
10 owned and the owner of each piece of property shall receive one
11 vote per ten thousand dollars of assessed benefits, rounded to
12 the next lowest amount in cases where assessed benefits do not
13 evenly tally. In cases where the assessed benefits of a piece of
14 property are below ten thousand dollars, the owner shall be
15 entitled to one vote[;].

16 [(2)] 2. In any levee district formed under the laws of
17 this state, the board of supervisors may, by order, resolution,
18 or ordinance, following a public hearing thereon called upon
19 notice as provided in section 245.060, RSMo, adopt the procedure
20 in this subsection with respect to the apportionment of
21 installment taxes. After the making of a readjustment of the
22 assessment of benefits pursuant to section 245.197, RSMo, then
23 the board of supervisors shall reapportion and levy on each tract
24 of land or other property in the district the taxes imposed under
25 section 245.180, 245.190 or 245.198, RSMo, in proportion to the

benefits assessed as readjusted and not in excess thereof. In case bonds have been issued as provided in sections 245.010 to 245.280, RSMo, then the amount of interest which will accrue on such bonds shall be included and added to said taxes as reapportioned and levied based upon the benefits assessed as readjusted. The secretary of the board of supervisors, as soon as said tax has been reapportioned, shall, at the expense of the district, prepare a list of all taxes as reapportioned and levied, in the form of a well-bound book, which book shall be endorsed and named "Readjusted Levee Tax Record of District", which endorsement shall also be printed or written at the top of each page of said book, and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of [said] the secretary. The [said] board of supervisors shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under section 245.180, 245.190 or 245.198, RSMo, based upon such reapportionment, which shall in all other respects be due and collected as provided in section 245.185, RSMo.