

SECOND REGULAR SESSION

# HOUSE BILL NO. 1190

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JOHNSON (47) (Sponsor) AND MUNZLINGER (Co-sponsor).

Pre-filed December 27, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3843L.01I

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### AN ACT

To repeal section 247.030, RSMo, and to enact in lieu thereof one new section relating to territory in public water supply districts.

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

Section A. Section 247.030, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 247.030, to read as follows:

247.030. 1. Territory that may be included in a district sought to be incorporated or enlarged may be wholly within one or in more than one county, may take in school districts or parts thereof, and cities that do not have a waterworks system or cities whose governing body has by a majority vote requested that the city or part thereof be included within the boundaries of a public water supply district. For the purpose of this section, "city" means any city, town or village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in the circuit court of the county in which the largest acreage is located. No two districts shall overlap.

2. Any two or more contiguous districts or any city and a contiguous district may, if there are no outstanding general obligation bonds relating to drinking water supply projects in either entity, by a majority vote of the governing body of each entity, provide for territory located in one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of the proposed annexation shall be filed with the circuit court that originally issued the decree of incorporation for a district which is detaching territory through the proposed annexation or with the circuit court that originally issued the decree of incorporation for a district which is including

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.

16 a city or part thereof through the proposed annexation. The court shall set a date for a hearing  
17 on the proposed annexation and shall cause notice to be published in the same manner as for the  
18 filing of the original petition for incorporation; except that publication of notice shall not be  
19 required if a majority of the landowners in the territory proposed to be annexed consent in  
20 writing, and if notice of the hearing is posted in three public places within the territory proposed  
21 to be annexed at least seven days before the date of the hearing. If publication of the notice is  
22 not required pursuant to this section, the court shall only approve the proposed annexation if  
23 there is sworn testimony by at least five landowners in the area of the proposed annexation, or  
24 a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after  
25 the hearing, finds that the proposed annexation would not be in the public interest, it shall order  
26 that the annexation not be allowed. If the court finds the proposed annexation to be in the public  
27 interest, it shall approve the annexation and the territory shall be detached from the one entity  
28 and annexed to the other. After the annexation is approved, the circuit court in which each  
29 district involved in the proceedings was incorporated shall amend the decree of incorporation for  
30 each district to reflect the change in the boundaries as a result of the annexation and redivide  
31 each district into five subdistricts, fixing their boundary lines so that each of the five subdistricts  
32 have approximately the same area. A certified copy of the amended decree showing the  
33 boundary change and the new subdistricts shall be filed in the office of the recorder of deeds and  
34 in the office of the county clerk in each county having territory in the district and in the office  
35 of the secretary of state of the state of Missouri.

36 3. The boundaries of any district may be extended or enlarged from time to time upon  
37 the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

38 (1) The board of directors of the district and five or more voters or landowners within  
39 the territory proposed to be annexed by the district; or

40 (2) The board of directors of the district and a majority of the landowners within the  
41 territory proposed to be annexed to the district.

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43 If the petition is filed by the board of directors of the district and five or more voters or  
44 landowners within the territory proposed to be annexed by the district, the same proceedings  
45 shall be followed as are provided in section 247.040 for the filing of a petition for the  
46 organization of the district, except that no election shall be held. Upon entry of a final order  
47 declaring the court's decree of annexation to be final and conclusive, the court shall modify or  
48 rearrange the boundary lines of the subdistricts as may be necessary or advisable. If the petition  
49 is filed by the board of directors of the district and a majority of the landowners within the  
50 territory proposed to be annexed, the publication of notice shall not be required, provided notice  
51 is posted in three public places within the territory proposed to be annexed at least seven days

52 before the date of the hearing and provided that there is sworn testimony by at least five  
53 landowners in the territory proposed to be annexed, or a majority of the landowners if the total  
54 landowners in the area are fewer than ten. If the court finds that the annexation of such territory  
55 would be in the public interest, the court shall enter its order granting such annexation. Upon  
56 the entry of such order, the court shall modify or rearrange the boundary lines of the subdistricts  
57 as may be necessary or advisable. The costs incurred in the enlargement or extension of the  
58 district shall be taxed to the district, if the district be enlarged or extended, otherwise against the  
59 petitioners; provided, however, that no costs shall be taxed to the directors of the district.

60 4. Should any landowner who owns real estate that abuts upon a district once formed  
61 desire to have such real estate incorporated in the district, the landowner shall first petition the  
62 board of directors thereof for its approval. If such approval be granted, the clerk of the board  
63 shall endorse a certificate of the fact of approval by the board upon the petition. The petition so  
64 endorsed shall be filed with the clerk of the circuit court in which the district is incorporated.  
65 It shall then be the duty of the court to amend the boundaries of such district by a decree  
66 incorporating the real estate in the same. A certified copy of this decree including the real estate  
67 in the district shall then be filed in the office of the recorder and in the office of the county clerk  
68 of the county in which the real estate is located, and in the office of the secretary of state. The  
69 costs of this proceeding shall be borne by the petitioning property owner. **However, at any**  
70 **time, a property owner within district boundaries may elect to receive water or sewer**  
71 **services from another supplier. In the event a district is providing water or sewer services**  
72 **to the property at the time of such election, the property owner shall compensate the**  
73 **district under the formula set forth in subdivision (3) of subsection 1 of section 247.160.**

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