

FIRST REGULAR SESSION

# HOUSE BILL NO. 234

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WOOD.

0889L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from 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Section A. Section 247.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 247.031, to read as follows:

247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory;

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.

18 if there are less than ten voters and landowners within such territory, the petition shall be signed  
 19 by fifty percent or more of the voters and landowners within the territory. In the event there are  
 20 no voters living within such territory proposed to be detached, then the petition may be submitted  
 21 by owners of more than fifty percent of the land in the territory proposed to be detached, in  
 22 which case said petition shall be signed by the owners so submitting the petition. **In the event**  
 23 **the petition is not submitted by the district acting through its board of directors, the**  
 24 **petitioner shall name the district as a defendant and a copy of the petition shall be served**  
 25 **upon the district at least thirty-five days before the date of the hearing of the petition.**

26 2. Such petition shall be filed in the circuit court having jurisdiction and the court shall  
 27 set a date for hearing on the proposed detachment and the clerk **of the circuit court** shall give  
 28 notice [thereof] **of the filing of the petition in a newspaper of general circulation in the**  
 29 **county in which the proceedings are pending and in a newspaper of general circulation in**  
 30 **the territory proposed to be detached. Such notice shall be published** in three consecutive  
 31 issues of a weekly newspaper [in each county in which any portion of the territory proposed to  
 32 be detached lies], or in lieu thereof, in twenty consecutive issues of a daily newspaper [in each  
 33 county in which any portion of the tract proposed to be detached lies;]. The last insertion of the  
 34 notice [to] **shall** be made not less than seven nor more than twenty-one days before the hearing  
 35 **date.** Such notice shall be substantially as follows:

36 IN THE CIRCUIT COURT OF  
 37 ..... COUNTY, MISSOURI  
 38 NOTICE OF THE FILING OF A PETITION FOR  
 39 TERRITORIAL DETACHMENT FROM  
 40 PUBLIC WATER SUPPLY DISTRICT NO. ....  
 41 OF ..... COUNTY, MISSOURI.

42 To all voters and landowners of land within the boundaries of the above-described  
 43 district:

44 You are hereby notified:

45 1. That a petition has been filed in this court for the detachment of the following tracts  
 46 of land from the above-named public water supply district, as provided by law:

47 (Describe tracts of land).

48 2. That a hearing on said petition will be held before this court **in .....** on the ..... day of  
 49 ....., 20 .., at ....., ....m.

50 3. Exceptions or objections to the detachment of said tracts from said public water  
 51 supply district may be made by **the district or** any voter or landowner of land within the district  
 52 from which territory is sought to be detached, provided such exceptions or objections are in

53 writing, **specify the grounds on which they are made, and are filed with the court** not [less]  
54 **later** than five days prior to the date [set for] **of the** hearing [on] **of the** petition.

55 4. The names and addresses of the attorneys for the petitioner are:

56 .....  
57 Clerk of the Circuit Court of  
58 ..... County, Missouri

59 3. The court, for good cause shown, may continue the case or the hearing thereon from  
60 time to time until final disposition thereof.

61 4. Exceptions or objections to the detachment of such territory may be made by any voter  
62 or landowner within the boundaries of the district, including the territory to be detached. [The]  
63 **In the event the petition is not submitted by the district acting through its board of**  
64 **directors, the district may file exceptions or objections.** Exceptions or objections shall be in  
65 writing [and] , shall specify the grounds upon which they are made, and shall be filed not later  
66 than five days before the date set for hearing the petition. [If any such exceptions or objections  
67 are filed, the court shall take them into consideration when considering the petition for  
68 detachment and the evidence in support of detachment] **In considering the petition for**  
69 **detachment, the court shall take into consideration the evidence in support of and**  
70 **opposition to the petition, including such exceptions and objections.** If the court finds that  
71 the detachment will be in the best interest of the district and the inhabitants and landowners of  
72 the area to be detached will not be adversely affected or if the court finds that the detachment  
73 will be in the best interest of the inhabitants and landowners of the territory to be detached and  
74 will not adversely affect the remainder of the district, it shall approve the detachment and grant  
75 the petition.

76 5. If the court approves the detachment, it shall make its order detaching the territory  
77 described in the petition from the remainder of the district, or in the event it shall find that only  
78 a portion of said territory should be detached, the court shall order such portion detached from  
79 the district. The court shall also make any changes in subdistrict boundary lines it deems  
80 necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes  
81 shall not become effective until the next annual election of a member of the board of directors.

82 6. A certified copy of the court's order shall be filed in the office of the recorder **of deeds**  
83 and in the office of the county clerk in each county in which any of the territory of the district  
84 prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding  
85 shall be borne by the petitioner or petitioners.

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