

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 2140, Page 46, Section 115.1505, Line  
2 22, by inserting after all of said section and line the following:

3  
4 "247.215. 1. The board of directors of any public water supply district which is dependent  
5 upon purchases of water to supply its needs may sell and convey part or all of its water mains, plant,  
6 real estate, or equipment to any water corporation as defined in section 386.020 if all bonds of the  
7 district, whether general obligation bonds constituting a lien on the property within the district or  
8 special obligation or revenue bonds constituting a lien on the income and revenues arising from the  
9 operation of the water system:

10 (1) Are to be paid in full, or

11 (2) A sum sufficient to pay all of such bonds together with interest accrued or to accrue  
12 thereon, together with all other items of expense incident to the payment of such bonds, shall be set  
13 aside from the proceeds of said sale and deposited with the fiscal agent named in the bonds for the  
14 purpose of full payment.

15 2. After the board of directors of any public water supply district has entered into a contract  
16 to sell part or all of its water mains, plant, real estate or equipment, pursuant to this section, an  
17 application shall be made by said board of directors to the circuit court which originally  
18 incorporated the district, which application shall set forth a copy of the contract entered into by the  
19 parties, and the facts concerning the bondholders and their rights, and requesting an order of the  
20 court approving or disapproving the contract.

21 3. Upon the filing of the application, the court shall set a time for the hearing thereof and  
22 shall order a public notice setting forth the nature of the application, a description of the property to  
23 be sold, and the time and place for the hearing, to be published for three weeks consecutively, in a  
24 newspaper of general circulation in the county in which the application is pending, the last  
25 publication to be not more than five days before the date set for the hearing.

26 4. If the court finds that the contract provides for the sale of all of the mains, plants, real  
27 estate and equipment of the district and protects the bondholders' rights, and also provides for the  
28 rendering of the necessary water service in the territory embracing the district, and is in the best  
29 interest of the residents and property owners of the district, it shall, by its decree, approve the  
30 contract and order dissolution of the district, provided that such dissolution is assented to by a [~~two-~~  
31 ~~thirds~~] majority of the voters of the district, voting on the question and provided further, that the  
32 dissolution of the district shall not become final until after all its debts have been paid and the  
33 disposition of funds of the district has been fully carried out as hereinafter provided to the  
34 satisfaction of the court, after which a final decree may be entered.

35 5. Such water supply district shall not be finally dissolved, upon the sale of all of its assets,  
36 until final liquidation thereof and until the trustees of the district have first paid to the collector of

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 the county, or counties, in which the district is located all of its remaining funds which shall be  
2 applied pro rata toward the payment and satisfaction of the taxes of the residents and property  
3 owners of the district on their respective personal and real property tax bills for the next ensuing  
4 year or years. In the event that the sum of money so paid to the collector would amount to less than  
5 the equivalent of one cent reduction in the tax rate and thus impose upon the collector a cost burden  
6 in excess of the money so paid, then and in that event said funds shall be paid over to the treasurer  
7 of the various school districts having real estate within the said water supply district in the ratio that  
8 the assessed valuation of such school district bears to the whole assessed valuation of the water  
9 supply district.

10 247.220. 1. Proceedings for the dissolution of a public water supply district shall be  
11 substantially the same as proceedings for the formation of such a district, as follows: A petition  
12 describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the  
13 circuit court of the county wherein the subject district is situate, or with the clerk of the circuit court  
14 of the county having the largest acreage within the boundaries of the subject district, in the event  
15 that the subject district embraces lands in more than one county. Such petition, in addition to such  
16 boundary description, shall allege that further operation of the subject district is inimicable to the  
17 best interests of the inhabitants of the district, that the district should, in the interest of the public  
18 welfare and safety, be dissolved, that an alternative water supplier is available and better able to  
19 supply water to the inhabitants of the district, and such other information as may be useful to the  
20 court in determining whether the petition should be granted and a decree of dissolution entered.  
21 Such petition shall also include a detailed plan for payment of all debt and obligations of the district  
22 at the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an  
23 advancement of the costs of the proceeding and the petition shall be signed by not less than one-fifth  
24 of the registered voters from each subdistrict, or fifty registered voters from each subdistrict,  
25 whichever is less, within the subject district. The petition shall be verified by at least one of the  
26 signers thereof and shall be served upon the board of directors of the district as provided by law.  
27 The district shall be a party, and if the board of directors in its discretion determines that such  
28 dissolution is not in the public interest, the district shall oppose such petition and pay all cost and  
29 expense thereof.

30 2. Upon the filing of the petition, the same shall be presented to the circuit court, and such  
31 court shall fix a date for a hearing on such petition, as provided in this section. Thereupon, the clerk  
32 of the court shall give notice of the filing of the petition in some newspaper of general circulation in  
33 the county in which the proceedings are pending, and if the district extends into any other county or  
34 counties, such notice shall also be published in some newspaper of general circulation in such other  
35 county or counties. The notice shall contain a description of the subject boundary lines of the  
36 district and the general purposes of the petition, and shall set forth the date fixed for the hearing on  
37 the petition, which shall not be less than seven nor more than twenty-one days after the date of the  
38 last publication of the notice and shall be on some regular judicial day of the court wherein the  
39 petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be  
40 published in three successive issues of a weekly newspaper or in twenty successive issues of a daily  
41 newspaper.

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

3           4. Exceptions to the dissolution of a district may be made by any voter or landowner of the  
4 district, and by the district as herein provided; such exceptions shall be filed not less than five days  
5 prior to the date set for the hearing on the petition. Such exceptions shall specify the grounds upon  
6 which the exceptions are filed and the court shall take them into consideration in passing upon the  
7 petition and shall also consider the evidence in support of the petition and in support of the  
8 exceptions made. Unless petitioners prove that all debts and financial obligations of the district can  
9 be paid in full upon dissolution, the petition shall be dismissed at the cost of the petitioners.

10           5. Should the court find that it would not be to the public interest to dissolve a district, the  
11 petition shall be dismissed at the costs of the petitioners. If, however, the court should find in favor  
12 of the petitioners, the court shall enter its interlocutory decree of dissolution which decree shall  
13 provide for the submission of the question to the voters of the district in substantially the following  
14 form:

15           Shall \_\_\_\_\_ Public Water Supply District be dissolved?

16           6. The decree of dissolution shall not become final and conclusive until it shall have been  
17 submitted to the voters residing within the boundaries described in such decree and until it shall  
18 have been assented to by a majority [~~of two-thirds~~] of the voters of the district voting on the  
19 proposition. The decree shall provide for the submission of the question and shall fix the date  
20 thereof. The returns shall be certified by the election authority to the circuit court having  
21 jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and  
22 declaring the result of such election.

23           7. If, upon canvass and declaration, it is found and determined that the question shall have  
24 been assented to by a majority of [~~two-thirds of~~] the voters of the district voting on such proposition  
25 then the court shall, in such order declaring the result of the election, enter a further order declaring  
26 the decree of dissolution to be final and conclusive. In the event, however, that the court should find  
27 that the question had not been assented to by the majority required, the court shall enter a further  
28 order declaring such decree of dissolution to be void and of no effect. No appeal shall lie from any  
29 of the aforesaid orders. In the event that the court declares the decree of dissolution to be final, as  
30 provided in this section, the clerk of the circuit court shall file certified copies of such decree of  
31 dissolution and of such final order with the secretary of state of the state of Missouri, and with the  
32 recorder of deeds of the county or counties in which the district is situate and with the clerk of the  
33 county commission of the county or counties in which the district is situate.

34           8. Notwithstanding anything in this section to the contrary, no district shall be dissolved  
35 until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall  
36 provide for the disposition of the property of the district."; and

37  
38 Further amend said bill by amending the title, enacting clause, and intersectional references  
39 accordingly.