

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 2, Page 27, Section 139.053, Line 25, by
2 inserting after said section and line the following:
3

4 "247.220. 1. Proceedings for the dissolution of a public water supply district shall be
5 substantially the same as proceedings for the formation of such a district, as follows: A petition
6 describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the
7 circuit court of the county wherein the subject district is situate, or with the clerk of the circuit court
8 of the county having the largest acreage within the boundaries of the subject district, in the event
9 that the subject district embraces lands in more than one county. Such petition, in addition to such
10 boundary description, shall allege that further operation of the subject district is inimicable to the
11 best interests of the inhabitants of the district, that the district should, in the interest of the public
12 welfare and safety, be dissolved, that an alternative water supplier is available and better able to
13 supply water to the inhabitants of the district, and such other information as may be useful to the
14 court in determining whether the petition should be granted and a decree of dissolution entered.
15 Such petition shall also include a detailed plan for payment of all debt and obligations of the district
16 at the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an
17 advancement of the costs of the proceeding and the petition shall be signed by not less than one-fifth
18 of the registered voters from each subdistrict, or fifty registered voters from each subdistrict,
19 whichever is less, within the subject district. The petition shall be verified by at least one of the
20 signers thereof and shall be served upon the board of directors of the district as provided by law.
21 The district shall be a party, and if the board of directors in its discretion determines that such
22 dissolution is not in the public interest, the district shall oppose such petition and pay all cost and
23 expense thereof.

24 2. Upon the filing of the petition, the same shall be presented to the circuit court, and such
25 court shall fix a date for a hearing on such petition, as provided in this section. Thereupon, the clerk
26 of the court shall give notice of the filing of the petition in some newspaper of general circulation in
27 the county in which the proceedings are pending, and if the district extends into any other county or
28 counties, such notice shall also be published in some newspaper of general circulation in such other
29 county or counties. The notice shall contain a description of the subject boundary lines of the
30 district and the general purposes of the petition, and shall set forth the date fixed for the hearing on

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1 the petition, which shall not be less than seven nor more than twenty-one days after the date of the
2 last publication of the notice and shall be on some regular judicial day of the court wherein the
3 petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be
4 published in three successive issues of a weekly newspaper or in twenty successive issues of a daily
5 newspaper.

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

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

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

20 Shall _____ Public Water Supply District be dissolved?

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

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

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

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5 Further amend said bill by amending the title, enacting clause, and intersectional references
6 accordingly.