

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1871, Page 19, Section 115.453, Line
2 53, by 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
8 court of the county having the largest acreage within the boundaries of the subject district, in the
9 event that the subject district embraces lands in more than one county. Such petition, in addition
10 to such boundary description, shall allege that further operation of the subject district is
11 inimicable to the best interests of the inhabitants of the district, that the district should, in the
12 interest of the public welfare and safety, be dissolved, that an alternative water supplier is
13 available and better able to supply water to the inhabitants of the district, that an agreement for
14 sale of the district's assets has been entered into by the board of directors contingent upon
15 approval of the circuit court and voters, and such other information as may be useful to the court
16 in determining whether the petition should be granted and a decree of dissolution entered. Such
17 petition shall also include a detailed plan for payment of all debt and obligations of the district at
18 the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as
19 an advancement of the costs of the proceeding and the petition shall be signed by not less than
20 one-fifth of the registered voters from each subdistrict, or fifty registered voters from each
21 subdistrict, whichever is less, within the subject district. The petition shall be verified by at least
22 one of the signers thereof and shall be served upon the board of directors of the district as
23 provided by law. The district shall be a party, and if the board of directors in its discretion
24 determines that such dissolution is not in the public interest, the district shall oppose such
25 petition and pay all cost and expense thereof.

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

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1 circulation in such other county or counties. The notice shall contain a description of the subject
2 boundary lines of the district and the general purposes of the petition, and shall set forth the date
3 fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one
4 days after the date of the last publication of the notice and shall be on some regular judicial day
5 of the court wherein the petition is pending. Such notice shall be signed by the clerk of the
6 circuit court and shall be published in three successive issues of a weekly newspaper or in twenty
7 successive issues of a daily newspaper.

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

10 4. Exceptions to the dissolution of a district may be made by any voter or landowner of
11 the district, and by the district as herein provided; such exceptions shall be filed not less than five
12 days prior to the date set for the hearing on the petition. Such exceptions shall specify the
13 grounds upon which the exceptions are filed and the court shall take them into consideration in
14 passing upon the petition and shall also consider the evidence in support of the petition and in
15 support of the exceptions made. Unless petitioners prove that there is an agreement for sale of
16 the district's assets entered into by the board of directors that would permit all debts and financial
17 obligations of the district can be paid in full upon dissolution and provide for the continuation of
18 water supply to the inhabitants of the district, the petition shall be dismissed at the cost of the
19 petitioners.

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

25 Shall _____ Public Water Supply District be dissolved and its assets sold to _____
26 which shall thereafter be the water supplier?

27 6. The decree of dissolution shall not become final and conclusive until it shall have
28 been submitted to the voters residing within the boundaries described in such decree and until it
29 shall have been assented to by a majority of two-thirds of the voters of the district voting on the
30 proposition. At their discretion, the board of directors may approve a change in the vote
31 threshold to a majority of four-sevenths of the voters of the district voting on the proposition.
32 The decree shall provide for the submission of the question and shall fix the date thereof. The
33 returns shall be certified by the election authority to the circuit court having jurisdiction in the
34 case and the court shall thereupon enter its order canvassing the returns and declaring the result
35 of such election.

36 7. If, upon canvass and declaration, it is found and determined that the question shall
37 have been assented to by ~~a majority of two-thirds of the voters of the district voting on such~~

1 ~~proposition]~~ the number of voters required under subsection 6 of this section then the court shall,
2 in such order declaring the result of the election, enter a further order declaring the decree of
3 dissolution to be final and conclusive. In the event, however, that the court should find that the
4 question had not been assented to by the majority required, the court shall enter a further order
5 declaring such decree of dissolution to be void and of no effect. No appeal shall lie from any of
6 the aforesaid orders. In the event that the court declares the decree of dissolution to be final, as
7 provided in this section, the clerk of the circuit court shall file certified copies of such decree of
8 dissolution and of such final order with the secretary of state of the state of Missouri, and with
9 the recorder of deeds of the county or counties in which the district is situate and with the clerk
10 of the county commission of the county or counties in which the district is situate.

11 8. Notwithstanding anything in this section to the contrary, no district shall be dissolved
12 until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall
13 provide for the disposition of the property of the district, which may be applied pro rata toward
14 the payment and satisfaction of the taxes of the residents and property owners of the district on
15 their respective personal and real property tax bills for the next ensuing year or years. In the
16 event that the sum of money so paid to the collector would amount to less than the equivalent of
17 one-cent reduction in the tax rate and thus impose upon the collector a cost burden in excess of
18 the money so paid, such funds shall be paid over to the treasurer of the various school districts
19 having real estate within the such water supply district in the ratio."; and

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