

SECOND REGULAR SESSION

HOUSE BILL NO. 2397

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROMLEY.

4332H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 247.220, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

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

Section A. Section 247.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 247.220, to read as follows:

247.220. 1. Proceedings for the dissolution of a public water supply district shall be substantially the same as proceedings for the formation of such a district, as follows: A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county wherein the subject district is situate, or with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district, in the event that the subject district embraces lands in more than one county. Such petition, in addition to such boundary description, shall allege that further operation of the subject district is inimicable to the best interests of the inhabitants of the district, that the district should, in the interest of the public welfare and safety, be dissolved, that an alternative water supplier is available and better able to supply water to the inhabitants of the district, **that an agreement for sale of the district's assets has been entered into by the board of directors contingent upon approval of the circuit court and voters**, and such other information as may be useful to the court in determining whether the petition should be granted and a decree of dissolution entered. Such petition shall also include a detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding and the petition shall be signed by not less than one-fifth of the registered voters

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 from each subdistrict, or fifty registered voters from each subdistrict, whichever is less, within
19 the subject district. The petition shall be verified by at least one of the signers thereof and
20 shall be served upon the board of directors of the district as provided by law. The district
21 shall be a party, and if the board of directors in its discretion determines that such dissolution
22 is not in the public interest, the district shall oppose such petition and pay all cost and expense
23 thereof.

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

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

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

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

53 Shall _____ Public Water Supply District be dissolved **and its assets sold to** _____
54 **_ which shall thereafter be the water supplier?**

55 6. The decree of dissolution shall not become final and conclusive until it shall have
56 been submitted to the voters residing within the boundaries described in such decree and until
57 it shall have been assented to by a majority of two-thirds of the voters of the district voting on
58 the proposition. **At their discretion, the board of directors may approve a change in the**
59 **vote threshold to a majority of four-sevenths of the voters of the district voting on the**
60 **proposition.** The decree shall provide for the submission of the question and shall fix the
61 date thereof. The returns shall be certified by the election authority to the circuit court having
62 jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and
63 declaring the result of such election.

64 7. If, upon canvass and declaration, it is found and determined that the question shall
65 have been assented to by ~~[a majority of two-thirds of the voters of the district voting on such~~
66 ~~proposition]~~ **the number of voters required under subsection 6 of this section** then the
67 court shall, in such order declaring the result of the election, enter a further order declaring the
68 decree of dissolution to be final and conclusive. In the event, however, that the court should
69 find that the question had not been assented to by the majority required, the court shall enter a
70 further order declaring such decree of dissolution to be void and of no effect. No appeal shall
71 lie from any of the aforesaid orders. In the event that the court declares the decree of
72 dissolution to be final, as provided in this section, the clerk of the circuit court shall file
73 certified copies of such decree of dissolution and of such final order with the secretary of state
74 of the state of Missouri, and with the recorder of deeds of the county or counties in which the
75 district is situate and with the clerk of the county commission of the county or counties in
76 which the district is situate.

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

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