

SECOND REGULAR SESSION

HOUSE BILL NO. 2838

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MCGAUGH.

5833H.011

DANA RADEMAN MILLER, 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Section A. Section 247.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 247.220, to read as follows: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, 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 from each subdistrict, or fifty registered voters from each subdistrict, whichever is less, within the subject district. The petition shall be verified by at least one of

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 the signers thereof and shall be served upon the board of directors of the district as provided
19 by law. The district shall be a party, and if the board of directors in its discretion determines
20 that such dissolution is not in the public interest, the district shall oppose such petition and
21 pay all cost and expense thereof.

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

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

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

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

49 Shall _____ Public Water Supply District be dissolved?

50 6. The decree of dissolution shall not become final and conclusive until it shall have
51 been submitted to the voters residing within the boundaries described in such decree and until
52 it shall have been assented to by a majority [~~of two-thirds~~] of the voters of the district voting
53 on the proposition. The decree shall provide for the submission of the question and shall fix
54 the date thereof. The returns shall be certified by the election authority to the circuit court

55 having jurisdiction in the case and the court shall thereupon enter its order canvassing the
56 returns and declaring the result of such election.

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

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

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