

FIRST REGULAR SESSION

# HOUSE BILL NO. 647

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE FITZPATRICK.

1416H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to county road district consolidation.

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

Section A. Section 233.295, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 233.295, to read as follows:

233.295. 1. Whenever a petition, signed by the owners of a majority of the acres of land, within a road district organized under the provisions of sections 233.170 to 233.315 shall be filed with the county commission of any county in which such district is situated, setting forth the name of the district and the number of acres owned by each signer of such petition and the whole number of acres in such district, the county commission shall have power, if in its opinion the public good will be thereby advanced, to disincorporate such road district. No such road district shall be disincorporated until notice is published in at least one newspaper of general circulation in the county where the district is situated for four weeks successively prior to the hearing of such petition.

2. In any county with a population of at least thirty-two thousand inhabitants which adjoins a county of the first classification which contains a city with a population of one hundred thousand or more inhabitants that adjoins no other county of the first classification, whenever a petition signed by at least fifty registered voters residing within the district organized under the provisions of sections 233.170 to 233.315 is filed with the county clerk of the county in which the district is situated, setting forth the name of the district and requesting the disincorporation of such district, the county clerk shall certify for election the following question to be voted upon by the eligible voters of the district:

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            Shall the ..... incorporated road district organized under the provisions  
19 of sections 233.170 to 233.315, RSMo, be dissolved?

20                                     YES                                     NO

21 If a majority of the persons voting on the question are in favor of the proposition, then the county  
22 commission shall disincorporate the road district.

23            3. The petition filed pursuant to subsection 2 of this section shall be submitted to the  
24 clerk of the county no later than eight weeks prior to the next countywide election at which the  
25 question will be voted upon.

26            4. Notwithstanding other provisions of this section to the contrary, in any county of the  
27 first classification with more than one hundred four thousand six hundred but less than one  
28 hundred four thousand seven hundred inhabitants, any petition to disincorporate a road district  
29 organized under sections 233.170 to 233.315 shall be presented to the county commission or  
30 similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered  
31 voters residing within the district, shall state the name of the district, and shall request the  
32 disincorporation of the district. If a petition is submitted as authorized in this section, and it is  
33 the opinion of the county commission that the public good will be advanced by the  
34 disincorporation after providing notice and a hearing as required in this section, then the county  
35 commission shall disincorporate the road district. This subsection shall not apply to any road  
36 district located in two counties.

37            5. Notwithstanding other provisions of this section to the contrary, in any county of the  
38 third classification without a township form of government and with more than thirty-four  
39 thousand but fewer than thirty-four thousand one hundred inhabitants, any petition to  
40 disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to  
41 the county commission or similar authority. The petition shall be signed by the lesser of fifty or  
42 a majority of the registered voters residing within the district, shall state the name of the district,  
43 and shall request the disincorporation of the district. If a petition is submitted as authorized in  
44 this section, and it is the opinion of the county commission that the public good will be advanced  
45 by the disincorporation after providing notice and a hearing as required in this section, then the  
46 county commission shall disincorporate the road district. This subsection shall not apply to any  
47 road district located in two counties.

48            6. Notwithstanding other provisions of this section to the contrary, in any county of the  
49 second classification with more than fifty-four thousand two hundred but fewer than fifty-four  
50 thousand three hundred inhabitants, any petition to disincorporate a road district organized under  
51 sections 233.170 to 233.315 shall be presented to the county commission or similar authority.  
52 The petition shall be signed by the lesser of fifty or a majority of the registered voters residing  
53 within the district, shall state the name of the district, and shall request the disincorporation of

54 the district. If a petition is submitted as authorized in this section, and it is the opinion of the  
55 county commission that the public good will be advanced by the disincorporation after providing  
56 notice and a hearing as required in this section, then the county commission shall disincorporate  
57 the road district. This subsection shall not apply to any road district located in two counties.

58 7. Notwithstanding other provisions of this section to the contrary, in any county, any  
59 petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be  
60 presented to the county commission or similar authority. The petition shall be signed by the  
61 lesser of fifty or a majority of the registered voters residing within the district, shall state the  
62 name of the district, and shall request the disincorporation of the district. If a petition is  
63 submitted as authorized in this section, and it is the opinion of the county commission that the  
64 public good will be advanced by the disincorporation after providing notice and a hearing as  
65 required in this section, then the county commission shall disincorporate the road district. This  
66 subsection shall not apply to any road district located in two counties.

67 8. Notwithstanding other provisions of this section to the contrary, in any county, a  
68 petition to disincorporate a road district located in two counties organized under sections 233.170  
69 to 233.315 shall be presented to the county commission or similar authority in each county in  
70 which the road district is located. Each petition shall be signed by the lesser of fifty or a majority  
71 of the registered voters residing within the district and county, shall state the name of the district,  
72 and shall request the disincorporation of the district. If a petition is submitted as authorized in  
73 this section, and it is the opinion of the county commission in each county in which the road  
74 district is located that the public good will be advanced by the disincorporation after providing  
75 notice and a hearing as required in this section, then the county commission in each county in  
76 which the road district is located shall disincorporate the road district. A road district located  
77 in two counties shall not be disincorporated until it is disincorporated in each county in which  
78 it is located.

79 **9. (1) The county commission or similar authority shall have the power to combine**  
80 **two or more road districts organized under sections 233.170 to 233.315 upon petition**  
81 **signed by a majority of the commissioners in each of the road districts seeking to be**  
82 **combined;**

83 **(2) The petition presented to the county commission or similar authority shall set**  
84 **forth the request that the road districts desire to be consolidated and shall set forth the**  
85 **proposed name of the new road district. If a petition is submitted as authorized in this**  
86 **subsection, then the county commission or similar authority shall hold a public hearing at**  
87 **a place and time it designates after it has published notice of the hearing for four**  
88 **consecutive weeks in a newspaper of general circulation in the county;**

89           **(3) After such hearing, if it is the opinion of the county commission that the public**  
90 **good will be advanced by the consolidation of the districts, then the county commission or**  
91 **similar authority shall issue its order consolidating the districts and set the effective date**  
92 **of the consolidation in such order;**

93           **(4) Upon consolidation, the county commission or similar authority shall appoint**  
94 **the three initial commissioners of the consolidated district: one for a term of one year, one**  
95 **for a term of two years, and one for a term of three years;**

96           **(5) Upon consolidation, all assets and liabilities of the combined districts shall vest**  
97 **in the new consolidated district. In the event the tax levies of the combined districts are**  
98 **different, then the initial tax levy for the consolidated district shall be the lower of the**  
99 **districts that were combined until changed as provided by statute;**

100           **(6) The county commission or similar authority shall have the power to make deeds,**  
101 **bills of sale, or other instruments transferring the assets of the districts combined to the**  
102 **new consolidated district and shall have all other powers necessary to effectuate the**  
103 **consolidation and transfer of all assets and liabilities to the consolidated road district; and**

104           **(7) The provision of subsections 9 to 15 of this section shall not apply to any road**  
105 **district located in two counties.**

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