

SENATE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 1207

AN ACT

To repeal sections 245.015, 245.060, 245.095, and 246.305, RSMo, and to enact in lieu thereof four new sections relating to levee districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 245.015, 245.060, 245.095, and 246.305,
2 RSMo, are repealed and four new sections enacted in lieu thereof,
3 to be known as sections 245.015, 245.060, 245.095, and 246.305,
4 to read as follows:

5 245.015. 1. The owners of a majority of the acreage in any
6 contiguous body of swamp, wet or overflowed land or other
7 property in the nature of individual or corporate franchises in
8 this state, or land subject to overflow, wash or bank erosion,
9 [situate] located in one or more counties or in [a third or
10 fourth] any city, town, or village in this state not located
11 within any county with a charter form of government and with more
12 than two hundred fifty thousand but less than three hundred fifty
13 thousand inhabitants, or in any third or fourth class city, town
14 or village in this state which is located within any county with
15 a charter form of government and with more than two hundred fifty

1 thousand but less than three hundred fifty thousand inhabitants,
2 may form a levee district for the purpose of having such land and
3 other property reclaimed and protected from the effects of
4 overflow and other water, for sanitary or agricultural purposes,
5 or from the effect of wash or bank erosion, or when the same may
6 be conducive to the public health, convenience or welfare, or of
7 public utility or benefit, by levee, or otherwise, and for that
8 purpose they may make and sign articles of association in which
9 shall be stated: The name of the district, and the number of
10 years the same is to continue; the boundary lines of the proposed
11 levee district; the names as listed on the county assessor's
12 records of the owners of land or other individual or corporate
13 franchise property in [said] such district, together with a plat
14 of the district showing the lands to be covered in the district;
15 [said] such articles shall further state that the owners of real
16 estate and other such property within [said] the district whose
17 names are subscribed to [said] such articles are willing to and
18 do obligate themselves to pay the tax or taxes which may be
19 assessed against their respective lands or other property to pay
20 the expense of organizing, and of making and maintaining the
21 improvements that may be necessary to effect the reclamation or
22 protection of [said] such lands or other such property, so formed
23 into a levee district, and to reclaim and to protect the same
24 from the effects of overflow and other water, or from bank
25 erosion or wash, and [said] the articles of association shall
26 contain a petition praying that the lands and other property
27 described therein be declared a levee district under the
28 provisions of this law. After [said] the articles of association

1 and petition have been so signed the same shall be filed in the
2 office of the circuit clerk of the county in which such lands and
3 other property are [situate] located; or, if such lands and other
4 property be composed of tracts or parcels [situate] located in
5 two or more different counties then in the office of the clerk of
6 the circuit court of the county in which [there are situate] more
7 of [said] such lands and other property are located than in any
8 other county; provided, that in the event any work is to be done
9 upon any navigable stream, the consent of the federal government
10 shall be obtained to make such improvement or improvements before
11 the actual work on the improvements shall be begun.

12 2. Any modifications to this section, as enacted by the
13 ninety-second general assembly, second regular session, shall not
14 be construed to enhance or limit the current law, and any
15 interpretation thereof, with regard to where a levee district may
16 or may not be formed within any county with a charter form of
17 government and with more than two hundred fifty thousand but less
18 than tree hundred fifty thousand inhabitants nor any city, town,
19 village, or other political subdivision contained therein.

20 245.060. Within thirty days after any levee district shall
21 have been organized and incorporated under the provisions of
22 section 245.025 the circuit clerk of the court organizing [said]
23 such district shall, upon giving notice by causing publication to
24 be made once a week for two consecutive weeks in some newspaper
25 published in each county in which lands of the district are
26 [situate] located, the last insertion to be at least ten days
27 before the day of such meeting, call a meeting of the owners of
28 real estate or other property [situate] located in [said] such

1 district, including the authorized representative of any
2 corporation which owns real estate or other property [situate]
3 located in [said] such district, at a day and hour specified in
4 some public place in the county in which the district was
5 organized, for the purpose of electing a board of five
6 supervisors, to be composed of owners of real estate in [said]
7 the district, which may include the authorized representative of
8 any corporation which owns real estate or other property in
9 [said] the district, two of whom at least shall be residents of
10 the county or counties in which [said] the district is [situate]
11 located, or some adjoining counties; the landowners, when
12 assembled, shall organize by the election of a chairman and
13 secretary of the meeting, who shall conduct the election; at such
14 election each and every acre of land and each and every mile of
15 right-of-way of every corporation owning a franchise in the
16 district shall represent one share, and each owner shall be
17 entitled to one vote in person or by proxy for every acre of land
18 or mile of right-of-way owned by him or her in such district, and
19 the five persons receiving the highest number of votes shall be
20 declared elected as supervisors; and [said] the supervisors shall
21 immediately by lot determine the terms of their office, which
22 shall be respectively one, two, three, four and five years, and
23 they shall serve until their successors shall have been elected
24 and qualified; provided, that if the levee district be located
25 wholly within a third or fourth class city of this state, or
26 within any city in this state under fifty thousand population
27 operating under a special charter then the owner of each lot,
28 tract, parcel or subdivision thereof, as set forth in the final

1 decree of the court creating and incorporating [said] such levee
2 district, shall be entitled to one vote, in person or by proxy,
3 for each lot, tract, parcel or subdivision thereof, owned by him
4 or her.

5 245.095. 1. In order to effect the leveeing, protection
6 and reclamation of the land and other property in the district
7 subject to tax, the board of supervisors is authorized and
8 empowered to straighten, widen, change the course and line of any
9 levee in or out of [said] such district; to fill up any creek,
10 drain, channel, river, watercourse or natural stream; and to
11 divert or divide the flow of water in or out of [said] the
12 district; to construct and maintain sewers, levees, dikes, dams,
13 sluices, revetments, drainage ditches, pumping stations, syphons
14 and any other works and improvements deemed necessary to preserve
15 and maintain the works in or out of [said] the district; to
16 construct roadways over levees and embankments; to construct any
17 and all of [said] such works and improvements across, through or
18 over any public highway, railroad right-of-way, track, grade,
19 fill or cut in or out of [said] the district; to remove any
20 fence, building or other improvements in or out of [said] the
21 district, and shall have the right to hold, control and acquire
22 by donation or purchase, and if need be, condemn any land,
23 easement, railroad or other right-of-way, sluice or franchise in
24 or out of [said] the district for right-of-way, or for any of the
25 purposes herein provided, or for material to be used in
26 constructing and maintaining [said] such works and improvements
27 for leveeing, protecting and reclaiming the lands in [said] the
28 district. [Said] The board shall also have the right to condemn

1 for the use of the district, any land or property within or
2 without [said] the district not acquired or condemned by the
3 court on the report of the commissioners assessing benefits and
4 damages and shall follow the procedure that is now provided by
5 law for the appropriation of land or other property taken for
6 telegraph, telephone and railroad rights-of-way.

7 2. In addition to the powers granted in subsection 1 of
8 this section, in any levee district formed under the laws of this
9 state having an assessed valuation of real property of twenty-
10 five million dollars or greater and located, in whole or in part,
11 in any county with a charter form of government and with more
12 than one million inhabitants, the board of supervisors is
13 authorized to construct and maintain waterlines and any other
14 works and improvements deemed necessary to preserve and maintain
15 the works in or out of the district.

16 246.305. 1. In any levee district formed pursuant to the
17 laws of this state having assessed valuation of real property of
18 twenty-five million dollars or greater, which is located in whole
19 or in part in a county [having over nine hundred thousand in
20 population] with a charter form of government and with more than
21 one million inhabitants according to the last decennial census,
22 the board of supervisors may by order, resolution or ordinance,
23 following a public hearing thereon called upon notice as provided
24 in section 245.060, RSMo, adopt the following alternative
25 [procedures] procedure with respect to voting rights [and
26 apportionment of installment taxes]:

27 [(1)] Voting by landowners of the levee district shall be
28 determined on the basis of the assessed benefits of the property

1 owned and the owner of each piece of property shall receive one
2 vote per ten thousand dollars of assessed benefits, rounded to
3 the next lowest amount in cases where assessed benefits do not
4 evenly tally. In cases where the assessed benefits of a piece of
5 property are below ten thousand dollars, the owner shall be
6 entitled to one vote[;].

7 [(2)] 2. In any levee district formed under the laws of
8 this state, the board of supervisors may, by order, resolution,
9 or ordinance, following a public hearing thereon called upon
10 notice as provided in section 245.060, RSMo, adopt the procedure
11 in this subsection with respect to the apportionment of
12 installment taxes. After the making of a readjustment of the
13 assessment of benefits pursuant to section 245.197, RSMo, then
14 the board of supervisors shall reapportion and levy on each tract
15 of land or other property in the district the taxes imposed under
16 section 245.180, 245.190 or 245.198, RSMo, in proportion to the
17 benefits assessed as readjusted and not in excess thereof. In
18 case bonds have been issued as provided in sections 245.010 to
19 245.280, RSMo, then the amount of interest which will accrue on
20 such bonds shall be included and added to said taxes as
21 reapportioned and levied based upon the benefits assessed as
22 readjusted. The secretary of the board of supervisors, as soon
23 as said tax has been reapportioned, shall, at the expense of the
24 district, prepare a list of all taxes as reapportioned and
25 levied, in the form of a well-bound book, which book shall be
26 endorsed and named "Readjusted Levee Tax Record of
27 District", which endorsement shall also be printed or
28 written at the top of each page of said book, and shall be signed

1 and certified by the president and secretary of the board of
2 supervisors, attested by the seal of the district, and the same
3 shall thereafter become a permanent record in the office of
4 [said] the secretary. The [said] board of supervisors shall each
5 year thereafter determine, order and levy the amount of the
6 annual installment of the total taxes levied under section
7 245.180, 245.190 or 245.198, RSMo, based upon such
8 reapportionment, which shall in all other respects be due and
9 collected as provided in section 245.185, RSMo.