

FIRST REGULAR SESSION

HOUSE BILL NO. 1098

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SANDER.

2466L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 247.217, RSMo, and to enact in lieu thereof two new sections relating to public water supply districts.

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

Section A. Section 247.217, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 247.032 and 247.217, to read as follows:

247.032. Any city of the fourth classification with more than two hundred but fewer than three hundred inhabitants and located in any county of the third classification without a township form of government and with more than twenty-four thousand six hundred but fewer than twenty-four thousand seven hundred inhabitants or any city of the fourth classification with more than nine hundred but fewer than one thousand inhabitants and located in any county of the first classification with more than one hundred thirty-five thousand four hundred but fewer than one hundred thirty-five thousand five hundred inhabitants that purchases water at wholesale prices from any public water supply district established under this chapter for resale to the residents of such city at the same prices as other retail customers of the district shall be deemed to be part of such district, and the residents of such city may vote in district elections.

247.217. 1. Any two or more contiguous public water supply districts organized under the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a decree of the circuit court in which the district with the largest acreage was originally incorporated and organized.

2. Proceedings for consolidation of such districts shall be substantially as follows: The board of directors of each of the districts to be consolidated shall authorize, by resolution passed

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.

7 at a regular meeting or a special meeting called for such purpose, its president, on behalf of the
8 district, to petition the circuit court having jurisdiction for consolidation with any one or more
9 other contiguous public water supply districts.

10 3. Such petition shall be filed in the circuit court having jurisdiction and the court shall
11 set a date for a hearing thereon and the clerk shall give notice thereof in some newspaper of
12 general circulation in each county in which each of the districts proposed to be consolidated is
13 located.

14 4. Such notice shall be substantially as follows:

15 IN THE CIRCUIT COURT OF
16 COUNTY, MISSOURI
17 NOTICE OF THE FILING OF A PETITION FOR
18 CONSOLIDATION OF PUBLIC WATER SUPPLY
19 DISTRICT NO., OF COUNTY,
20 MISSOURI, AND PUBLIC WATER SUPPLY DISTRICT
21 NO., OF COUNTY, MISSOURI

22 (Additional districts may be named as required.)

23 To all voters, landowners, and interested persons within the boundaries of the
24 above-described public water supply districts:

25 You are hereby notified:

26 1. That a petition has been filed in this court for the consolidation of the above-named
27 public water supply districts into one public water supply district, as provided by law.

28 2. That a hearing on said petition will be held before this court on the..... day of.....,
29 20....., at.....,m.

30 3. Exceptions or objections to the consolidation of said districts may be made by any
31 voters or landowners of any of such districts proposed to be consolidated, provided such
32 exceptions or objections are filed in writing not less than five days prior to the date set for the
33 hearing on the petition.

34 4. The names and addresses of the attorneys for the petitioner are:

35
36 Clerk of the Circuit Court of
37 County, Missouri

38 5. The notice shall be published in three consecutive issues of a weekly newspaper in
39 each county in which any portion of any district proposed to be consolidated lies, or in lieu
40 thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion
41 of any district proposed to be consolidated lies; the last insertion of such notice to be made not
42 less than seven nor more than twenty-one days before the hearing.

43 6. The court, for good cause shown, may continue the case or the hearing thereon from
44 time to time until final disposition thereof.

45 7. Exceptions or objections to the consolidation of such districts may be made by any
46 voter or landowner within the boundaries of the proposed district. The exceptions or objections
47 shall be in writing and shall specify the grounds upon which the same are made and shall be filed
48 not later than five days before the date set for hearing the petition. If any such exceptions or
49 objections are filed, the court shall take them into consideration in passing upon the petition for
50 consolidation and shall also consider the evidence in support of the petition. If the court finds
51 that the consolidation will provide for the rendering of necessary water service in the districts,
52 and is in the best interest of the voters and the landowners of the district, it shall, by its decree,
53 approve such consolidation. The decree of consolidation shall set an effective date for the
54 consolidation of the districts and shall provide that the proposed consolidated district shall be
55 divided into five subdistricts and shall fix boundary lines of each subdistrict, all of which
56 subdistricts shall have approximately the same area and shall be numbered.

57 8. The decree of consolidation shall not become final and conclusive until it has been
58 submitted to voters in each of the districts proposed to be included in the consolidated district.

59 9. If, upon canvass and declaration of the results, it is found and determined that the
60 question has been assented to by a majority of the voters of each district voting on the question,
61 the court shall issue its order declaring the results of the elections, declaring its previous decree
62 of consolidation to be final and conclusive, and in addition, the decree shall provide for an
63 election of a director from each of the subdistricts set forth in the decree of the court as specified
64 in subsection 7 of this section. The terms of office for the directors elected at such election shall
65 be as follows: The director elected from the subdistrict designated by the circuit court as number
66 one shall serve until the next regular election, or until his successor has been elected and
67 qualified; those directors elected from the subdistricts designated by the circuit court as numbers
68 two and three shall serve until the regular election following the next regular election or until
69 their successors have been elected and qualified; those directors elected from the subdistricts
70 designated by the circuit court as numbers four and five shall serve until the annual regular
71 election following the next two regular elections, or until their successors have been elected and
72 qualified. Thereafter all directors shall be elected as provided by sections 247.010 to 247.220.
73 The election shall be held at least thirty days before the effective date of the consolidation. The
74 returns shall be certified by the judges and clerks of election to the circuit court having
75 jurisdiction and the court shall thereupon enter its order naming the directors from each
76 subdistrict.

77 10. The eligibility and requirements for a director for a consolidated district shall be
78 identical with those set forth in section 247.060 and no two members of the board shall reside

79 in the same subdistrict. Any candidate shall have his name imprinted upon the ballot, provided
80 he shall file a declaration of intention to become such a candidate with the clerk of the circuit
81 court.

82 11. In its final decree, the court shall designate a name for the consolidated district which
83 shall be as follows: Consolidated Public Water Supply District No., of..... County,
84 Missouri.

85 12. On the effective date of the consolidation of the districts, the newly elected directors
86 shall organize in the same manner as is provided in sections 247.010 to 247.220, and all of such
87 provisions shall apply to consolidated public water supply districts in the same manner as to
88 other public water supply districts.

89 13. At the time of the effective date of the consolidation, all the property of the original
90 districts shall be combined and administered as one unit, which shall be subject to the liens,
91 liabilities and obligations of the original districts, provided that if any district included in the
92 consolidated district has issued general obligation bonds which are outstanding at the time of the
93 consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only
94 upon the property within the original district issuing the bonds as it existed on the date of such
95 issuance. All special obligation or revenue bonds issued by any district included in the
96 consolidated district shall be paid in accordance with the terms thereof, without preference, from
97 the revenue received by the consolidated district.

98 14. A certified copy of the decrees of the court shall be filed in the office of the recorder
99 and in the office of the county clerk in each county in which any part of the consolidated district
100 is located, and in the office of the secretary of state. Such copies shall be filed by the clerk of
101 the circuit court and the filing fees shall be taxed as costs.

102 **15. In the event that any district is enlarged by the addition of any city that**
103 **purchases water for resale to its residents as provided in section 247.032, and such district**
104 **is a consolidated district and has adopted subdistricts under this section, the board of**
105 **directors shall redraw the boundaries of the subdistricts to include such city and to ensure**
106 **that such subdistricts are substantially equal in population. Such redrawing of subdistrict**
107 **boundaries may be accomplished by order or ordinance.**

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