

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 234 & 493

95TH GENERAL ASSEMBLY

0889L.03P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment from public water supply districts.

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

Section A. Section 247.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 247.031, to read as follows:

247.031. 1. Territory included in a district that is not being served by such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land in the territory sought to be detached. If there are more than ten voters and landowners in such territory, the petition shall be signed by five or more voters or landowners within the territory;

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 if there are less than ten voters and landowners within such territory, the petition shall be signed  
 19 by fifty percent or more of the voters and landowners within the territory. In the event there are  
 20 no voters living within such territory proposed to be detached, then the petition may be submitted  
 21 by owners of more than fifty percent of the land in the territory proposed to be detached, in  
 22 which case said petition shall be signed by the owners so submitting the petition. **In the event**  
 23 **the petition is not submitted by the district acting through its board of directors, the**  
 24 **petitioner shall name the district as a defendant and serve a copy of the petition upon the**  
 25 **district by certified or registered mail with a return receipt requested at least thirty-five**  
 26 **days before the date of the hearing of the petition.**

27         2. Such petition shall be filed in the circuit court having jurisdiction and the court shall  
 28 set a date for hearing on the proposed detachment and the clerk **of the circuit court** shall give  
 29 notice [thereof] **of the filing of the petition and the hearing to the district by certified or**  
 30 **registered mail with a return receipt requested if the district is not the petitioner, and in**  
 31 **a newspaper of general circulation in the county in which the proceedings are pending and**  
 32 **in a newspaper of general circulation in the territory proposed to be detached. Such notice**  
 33 **shall be published** in three consecutive issues of a weekly newspaper [in each county in which  
 34 any portion of the territory proposed to be detached lies], or in lieu thereof, in twenty consecutive  
 35 issues of a daily newspaper [in each county in which any portion of the tract proposed to be  
 36 detached lies;] . The last insertion of the notice [to] **shall** be made not less than seven nor more  
 37 than twenty-one days before the hearing **date**. Such notice shall be substantially as follows:

38                                   IN THE CIRCUIT COURT OF  
 39                                   ..... COUNTY, MISSOURI  
 40                                   NOTICE OF THE FILING OF A PETITION FOR  
 41                                   TERRITORIAL DETACHMENT FROM  
 42                                   PUBLIC WATER SUPPLY DISTRICT NO. ....  
 43                                   OF ..... COUNTY, MISSOURI.

44         To all voters and landowners of land within the boundaries of the above-described  
 45 district:

46         You are hereby notified:

- 47         1. That a petition has been filed in this court for the detachment of the following tracts  
 48 of land from the above-named public water supply district, as provided by law:  
 49 (Describe tracts of land).
- 50         2. That a hearing on said petition will be held before this court **in .....** on the ..... day of  
 51 ....., 20 .., at ....., ....m.
- 52         3. Exceptions or objections to the detachment of said tracts from said public water  
 53 supply district may be made by **the district or** any voter or landowner of land within the district

54 from which territory is sought to be detached, provided such exceptions or objections are in  
55 writing, **specify the grounds on which they are made, and are filed with the court** not [less]  
56 **later** than five days prior to the date [set for] **of the** hearing [on] **of the** petition.

57 4. The names and addresses of the attorneys for the petitioner are:  
58 .....  
59 Clerk of the Circuit Court of  
60 ..... County, Missouri

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

63 4. Exceptions or objections to the detachment of such territory may be made by any voter  
64 or landowner within the boundaries of the district, including the territory to be detached. [The]  
65 **In the event the petition is not submitted by the district acting through its board of**  
66 **directors, the district may file exceptions or objections.** Exceptions or objections shall be in  
67 writing [and] , shall specify the grounds upon which they are made, and shall be filed not later  
68 than five days before the date set for hearing the petition. [If any such exceptions or objections  
69 are filed, the court shall take them into consideration when considering the petition for  
70 detachment and the evidence in support of detachment] **In considering the petition for**  
71 **detachment, the court shall take into consideration the evidence in support of and**  
72 **opposition to the petition, including such exceptions and objections.** If the court finds that  
73 the detachment will be in the best interest of the district and the inhabitants and landowners of  
74 the area to be detached will not be adversely affected or if the court finds that the detachment  
75 will be in the best interest of the inhabitants and landowners of the territory to be detached and  
76 will not adversely affect the remainder of the district, it shall approve the detachment and grant  
77 the petition.

78 5. If the court approves the detachment, it shall make its order detaching the territory  
79 described in the petition from the remainder of the district, or in the event it shall find that only  
80 a portion of said territory should be detached, the court shall order such portion detached from  
81 the district. The court shall also make any changes in subdistrict boundary lines it deems  
82 necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes  
83 shall not become effective until the next annual election of a member of the board of directors.

84 6. A certified copy of the court's order shall be filed in the office of the recorder **of deeds**  
85 and in the office of the county clerk in each county in which any of the territory of the district  
86 prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding  
87 shall be borne by the petitioner or petitioners.

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