

HCS HB 234 & 493 -- PUBLIC WATER SUPPLY DISTRICTS

SPONSOR: Wilson, 119 (Wood)

COMMITTEE ACTION: Voted "do pass by consent" by the Committee on Rural Community Development by a vote of 11 to 0.

Currently, any territory included in a water supply district that is not being served by the district may be removed from the district by the filing of a petition by the district acting through the board of directors with the circuit court in which the district was incorporated. This substitute allows any person to name the district as a defendant and serve a copy of the petition upon the district at least 35 days before the hearing if the district fails to file the petition. The petition must be served by certified or registered mail, with a return receipt requested. In the event the district is named as a defendant, it may file exceptions or objections. In considering the petition for detachment, the court must take into consideration the evidence in support of and opposition to the petition. The clerk of the circuit court must give notice to the district of the filing of the petition and the hearing. Notice must be sent by certified or registered mail, with a return receipt requested, and published in a newspaper of general circulation in the county in which the proceedings are pending and in the territory proposed to be detached.

FISCAL NOTE: No impact on state funds in FY 2010, FY 2011, and FY 2012.

PROPOSERS: Supporters say that the bill will make it easier to notify the water district board when someone wants to detach from a water district. Currently, notification must only be made in a local newspaper. In many rural areas, local newspapers are often published on a weekly or even less frequent basis. Therefore, the water district is sometimes caught off-guard when someone wants to detach from the district.

Testifying for the bill were Representatives Wood and Scavuzzo; Missouri Rural Water Association; and Association of Water Districts.

OPPOSERS: There was no opposition voiced to the committee.