

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 30
99TH GENERAL ASSEMBLY

0478H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 88.770 and 233.295, RSMo, and to enact in lieu thereof two new sections relating to authorized powers of political subdivisions.

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

Section A. Sections 88.770 and 233.295, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 88.770 and 233.295, to read as follows:

88.770. 1. The board of aldermen may provide for and regulate the lighting of streets
2 and the erection of lamp posts, poles and lights therefor, and may make contracts with any
3 person, association or corporation, either private or municipal, for the lighting of the streets and
4 other public places of the city with gas, electricity or otherwise, except that each initial contract
5 shall be ratified by a majority of the voters of the city voting on the question and any renewal
6 contract or extension shall be subject to voter approval of the majority of the voters voting on
7 the question, pursuant to the provisions of section 88.251. The board of aldermen may erect,
8 maintain and operate gas works, electric light works, or light works of any other kind or name,
9 and to erect lamp posts, electric light poles, or any other apparatus or appliances necessary to
10 light the streets, avenues, alleys or other public places, and to supply private lights for the use
11 of the inhabitants of the city and its suburbs, and may regulate the same, and may prescribe and
12 regulate the rates to be paid by the consumers thereof, and may acquire by purchase, donation
13 or condemnation suitable grounds within or without the city upon which to erect such works and
14 the right-of-way to and from such works, and also the right-of-way for laying gas pipes, electric
15 wires under or above the grounds, and erecting posts and poles and such other apparatus and
16 appliances as may be necessary for the efficient operation of such works. The board of aldermen
17 may, in its discretion, grant the right to any person, persons or corporation, to erect such works
18 and lay the pipe, wires, and erect the posts, poles and other necessary apparatus and appliances

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.

19 therefor, upon such terms as may be prescribed by ordinance. Such rights shall not extend for
 20 a longer time than twenty years, but may be renewed for another period or periods not to exceed
 21 twenty years per period. Every initial grant shall be approved by a majority of the voters of the
 22 municipality voting on the question, and each renewal or extension of such rights shall be subject
 23 to voter approval of the majority of the voters voting on the question, pursuant to the provisions
 24 of section 88.251. Nothing herein contained shall be so construed as to prevent the board of
 25 aldermen from contracting with any person, persons or corporation for furnishing the city with
 26 gas or electric lights in cities where franchises have already been granted, and where gas or
 27 electric light plants already exist, without a vote of the people, except that the board of aldermen
 28 may sell, convey, encumber, lease, abolish or otherwise dispose of any public utilities owned by
 29 the city including electric light systems, electric distribution systems or transmission lines, or any
 30 part of the electric light systems, electric or other heat systems, electric or other power systems,
 31 electric or other railways, gas plants, telephone systems, telegraph systems, transportation
 32 systems of any kind, waterworks, equipments and all public utilities not herein enumerated and
 33 everything acquired therefor, after first having passed an ordinance setting forth the terms of the
 34 sale, conveyance or encumbrance and when ratified by two-thirds of the voters voting on the
 35 question, **except for the sale of a water or wastewater system, which shall be authorized by**
 36 **a simple majority vote of the voters voting on the question.**

37 2. The ballots shall be substantially in the following form and shall indicate the property,
 38 or portion thereof, and whether the same is to be sold, leased or encumbered:

39 Shall. (Indicate the property by stating
 40 whether electric distribution system, electric transmission lines or waterworks, etc.) be
 41 (Indicate whether sold, leased or encumbered.)?

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

2. In any county with a population of at least thirty-two thousand inhabitants which
 11 adjoins a county of the first classification which contains a city with a population of one hundred
 12 thousand or more inhabitants that adjoins no other county of the first classification, whenever
 13 a petition signed by at least fifty registered voters residing within the district organized under the

14 provisions of sections 233.170 to 233.315 is filed with the county clerk of the county in which
15 the district is situated, setting forth the name of the district and requesting the disincorporation
16 of such district, the county clerk shall certify for election the following question to be voted upon
17 by the eligible voters of the district:

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

83 **10. 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 section, then the county commission or similar authority shall hold a public hearing at a
87 place and time it designates after it has published notice of the hearing for four consecutive
88 weeks in a newspaper of general circulation in the county.

89 **11. After said 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 in its order set the**
92 **effective date of the consolidation.**

93 **12. 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 **13. 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 which were combined until changed as provided by statute.**

100 **14. The county commission or similar authority shall have the power to make**
101 **deeds, bills of sale, or other instruments transferring the assets of the districts combined**
102 **to the 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.**

104 **15. 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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