

FIRST REGULAR SESSION

# HOUSE BILL NO. 1068

## 100TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE HUDSON.

2213H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 247.220, RSMo, and to enact in lieu thereof one new section relating to 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Section A. Section 247.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 247.220, to read as follows:

247.220. 1. Proceedings for the dissolution of a public water supply district shall be substantially the same as proceedings for the formation of such a district, as follows: A petition describing the boundaries of the district sought to be dissolved shall be filed with the clerk of the circuit court of the county wherein the subject district is situate, or with the clerk of the circuit court of the county having the largest acreage within the boundaries of the subject district, in the event that the subject district embraces lands in more than one county. Such petition, in addition to such boundary description, shall allege that further operation of the subject district is inimicable to the best interests of the inhabitants of the district, that the district should, in the interest of the public welfare and safety, be dissolved, that an alternative water supplier is available and better able to supply water to the inhabitants of the district, and such other information as may be useful to the court in determining whether the petition should be granted and a decree of dissolution entered. Such petition shall also include a detailed plan for payment of all debt and obligations of the district at the time of dissolution. Such petition shall be accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding and the petition shall be signed by not less than one-fifth of the registered voters from each subdistrict, or fifty registered voters from each subdistrict, whichever is less, within the subject district. The petition shall be verified by at least one of the signers thereof and shall be served

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 upon the board of directors of the district as provided by law. The district shall be a party, and  
19 if the board of directors in its discretion determines that such dissolution is not in the public  
20 interest, the district shall oppose such petition and pay all cost and expense thereof.

21 2. Upon the filing of the petition, the same shall be presented to the circuit court, and  
22 such court shall fix a date for a hearing on such petition, as provided in this section. Thereupon,  
23 the clerk of the court shall give notice of the filing of the petition in some newspaper of general  
24 circulation in the county in which the proceedings are pending, and if the district extends into  
25 any other county or counties, such notice shall also be published in some newspaper of general  
26 circulation in such other county or counties. The notice shall contain a description of the subject  
27 boundary lines of the district and the general purposes of the petition, and shall set forth the date  
28 fixed for the hearing on the petition, which shall not be less than seven nor more than twenty-one  
29 days after the date of the last publication of the notice and shall be on some regular judicial day  
30 of the court wherein the petition is pending. Such notice shall be signed by the clerk of the  
31 circuit court and shall be published in three successive issues of a weekly newspaper or in twenty  
32 successive issues of a daily newspaper.

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

35 4. Exceptions to the dissolution of a district may be made by any voter or landowner of  
36 the district, and by the district as herein provided; such exceptions shall be filed not less than five  
37 days prior to the date set for the hearing on the petition. Such exceptions shall specify the  
38 grounds upon which the exceptions are filed and the court shall take them into consideration in  
39 passing upon the petition and shall also consider the evidence in support of the petition and in  
40 support of the exceptions made. Unless petitioners prove that all debts and financial obligations  
41 of the district can be paid in full upon dissolution, the petition shall be dismissed at the cost of  
42 the petitioners.

43 5. Should the court find that it would not be to the public interest to dissolve a district,  
44 the petition shall be dismissed at the costs of the petitioners. If, however, the court should find  
45 in favor of the petitioners, the court shall enter its interlocutory decree of dissolution which  
46 decree shall provide for the submission of the question to the voters of the district in substantially  
47 the following form:

48 Shall \_\_\_\_\_ Public Water Supply District be dissolved?

49 6. The decree of dissolution shall not become final and conclusive until it shall have  
50 been submitted to the voters residing within the boundaries described in such decree and until  
51 it shall have been assented to by a majority of ~~two-thirds of~~ the voters of the district voting on  
52 the proposition. The decree shall provide for the submission of the question and shall fix the  
53 date thereof. The returns shall be certified by the election authority to the circuit court having

54 jurisdiction in the case and the court shall thereupon enter its order canvassing the returns and  
55 declaring the result of such election.

56           7. If, upon canvass and declaration, it is found and determined that the question shall  
57 have been assented to by a majority of ~~two-thirds of~~ the voters of the district voting on such  
58 proposition then the court shall, in such order declaring the result of the election, enter a further  
59 order declaring the decree of dissolution to be final and conclusive. In the event, however, that  
60 the court should find that the question had not been assented to by the majority required, the  
61 court shall enter a further order declaring such decree of dissolution to be void and of no effect.  
62 No appeal shall lie from any of the aforesaid orders. In the event that the court declares the  
63 decree of dissolution to be final, as provided in this section, the clerk of the circuit court shall  
64 file certified copies of such decree of dissolution and of such final order with the secretary of  
65 state of the state of Missouri, and with the recorder of deeds of the county or counties in which  
66 the district is situate and with the clerk of the county commission of the county or counties in  
67 which the district is situate.

68           8. Notwithstanding anything in this section to the contrary, no district shall be dissolved  
69 until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall  
70 provide for the disposition of the property of the district.

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