

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 741

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MAXWELL.

Pre-filed December 23, 1999, and 1,000 copies ordered printed.

Read 2nd time January 17, 2000, and referred to the Committee on Appropriations.

Reported from the Committee February 17, 2000, with recommendation that the bill do pass.

Taken up for Perfection February 24, 2000. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

3132S.01P

AN ACT

To repeal section 247.031, RSMo, and sections 644.566, 644.568 and 644.570 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450 of the first regular session of the ninetieth general assembly, and sections 644.566, 644.568 and 644.570 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 and 82 of the first regular session of the ninetieth general assembly, relating to issuance of bonds for water pollution and storm water control, and to enact in lieu thereof seven new sections relating to the same subject.

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

Section A. Section 247.031 and sections 644.566, 644.568 and 644.570 as enacted by conference committee substitute for senate substitute for senate committee substitute for house substitute for house bill no. 450 of the first regular session of the ninetieth general assembly, and sections 644.566, 644.568 and 644.570 as enacted by house committee substitute for senate substitute for senate committee substitute for senate bills nos. 160 and 82 of the first regular session of the ninetieth general assembly, are repealed and seven new sections enacted in lieu thereof, to be known as sections 247.031, 644.566, 644.568, 644.570, 644.572, 644.574 and 644.576, to read as follows: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, or if any such bonds are outstanding, that the written consent of the holders thereof is obtained, except such consent shall not be required for special obligation bonds if the district has no waterlines 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 the territory sought to be detached. If there are more than ten voters in such territory, the petition shall be signed by five or more voters residing in the territory; if there are less than ten voters residing in such territory, the petition shall be signed by fifty percent or more of the voters residing in the territory. In the event there are no voters living within such territory proposed to be detached, then the petition may be submitted by owners of more than fifty percent of the land in the territory proposed to be detached, in which case said petition shall be signed by the owners so submitting the petition.

2. Such petition shall be filed in the circuit court having jurisdiction and the court shall set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three consecutive issues of a weekly newspaper in each county in which any portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper in each county in which any portion of the tract proposed to be detached lies; the last insertion of the notice to be made not less than seven nor more than twenty-one days before the hearing. Such notice shall be substantially as follows:

IN THE CIRCUIT COURT OF
COUNTY, MISSOURI
NOTICE OF THE FILING OF A PETITION FOR
TERRITORIAL DETACHMENT FROM
PUBLIC WATER SUPPLY DISTRICT NO.
OF COUNTY, MISSOURI.

To all voters and landowners of land within the boundaries of the above-described district:
You are hereby notified:

1. That a petition has been filed in this court for the detachment of the following tracts of land from the above-named public water supply district, as provided by law:

(Describe tracts of land).

2. That a hearing on said petition will be held before this court on the day of

....., 19 ..., at ...,m.

3. Exceptions or objections to the detachment of said tracts from said public water supply district may be made by any voter or landowner of land within the district from which territory is sought to be detached, provided such exceptions or objections are in writing not less than five days prior to the date set for hearing on the petition.

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

.....
Clerk of the Circuit Court of
..... County, Missouri

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

4. Exceptions or objections to the detachment of such territory may be made by any voter or landowner within the boundaries of the district, including the territory to be detached. The exceptions or objections shall be in writing and shall specify the grounds upon which they are made and shall be filed not later than five days before the date set for hearing the petition. If any such exceptions or objections are filed, the court shall take them into consideration when considering the petition for detachment and the evidence in support of detachment. If the court finds that the detachment will be in the best interest of the district and the inhabitants and landowners of the area to be detached will not be adversely affected or if the court finds that the detachment will be in the best interest of the inhabitants and landowners of the territory to be detached and will not adversely affect the remainder of the district, it shall approve the detachment and grant the petition.

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

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

7. In a county of the first classification with a noncharter form of government having a population of more than ninety thousand inhabitants and any county immediately adjacent to such county, if any property currently receives service from a water district but the property owner desires to be excluded from such district, then the owner may elect to be removed from the affected water district. If such election

occurs and the district has already incurred expenses to provide service to the property, then the property owner must compensate the affected water district in the same amount as set forth in section 247.170.

[644.566. In addition to those sums authorized prior to August 28, 1998, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of two and one-half million dollars in the manner and for the purpose of financing and constructing improvements as set out in chapter 640, RSMo, and this chapter.]

[644.566. 1. In addition to those sums authorized prior to the August 28, 1999, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of two and one-half million dollars in the manner and for the purpose of financing and constructing improvements as set out in chapter 640, RSMo, and this chapter.

2. In addition to those sums authorized prior to August 28, 1999, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of fifteen million dollars in the manner and for the purposes set out in chapter 640, RSMo, and this chapter.]

644.566. 1. In addition to those sums authorized prior to the August 28, 1999, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of two and one-half million dollars in the manner and for the purpose of financing and constructing improvements as set out in chapter 640, RSMo, and this chapter.

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[644.568. In addition to those sums authorized prior to August 28, 1998, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars for the purposes of financing and constructing improvements as set out in chapter 640, RSMo, and in this chapter. The department shall allocate these funds to counties, municipalities, sewer districts, water districts, or any combination of the same to provide grants and loans for rural water and sewer projects.]

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[644.570. 1. The board of fund commissioners of the state of Missouri, as authorized by section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars for the purposes of financing and constructing storm water control plans, studies and projects as set out in this chapter. The department shall allocate these funds through grants and loans to municipalities, sewer districts, sewer districts established pursuant to article VI, section 30(a) of the Missouri Constitution, water districts, or any combination of the same located in a county of the first classification or in any city not within a county or by any county of the first classification.

2. Of the funds allocated in subsection 1 of this section, fifty percent shall be allocated to grants and fifty percent shall be allocated to loans. Grant amounts so awarded shall be fifty percent of the cost of the plan, study or project.

3. Grants and loans awarded pursuant to this section shall be disbursed to eligible recipients in counties of the first classification and in a city not within a county in an amount equal to the percentage ratio that the population of the recipient county or city bears to the total population of all counties of the first classification and cities not within a county as determined by the last decennial census.

4. Grants and loans awarded pursuant to this section shall be disbursed directly to eligible recipients in any city with a population of at least twenty-five thousand inhabitants located in a county of the first classification in an amount equal to the percentage ratio that the recipient's population bears to the total population of the county.

5. Other provisions of this section notwithstanding, in those cities or counties

served by a sewer district established pursuant to article VI, section 30(a) of the Constitution of the state of Missouri, any grants or loans awarded shall be disbursed directly to such district.]

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4. Grants and loans awarded pursuant to this section shall be disbursed directly to eligible recipients in any city with a population of at least twenty-five thousand inhabitants located in a county of the first classification in an amount equal to the percentage ratio that the recipient's population bears to the total population of the county.

5. Other provisions of this section notwithstanding, in those cities or counties served by a sewer district established pursuant to article VI, section 30(a) of the Constitution of the state of Missouri, any grants or loans awarded shall be disbursed directly to such district.]

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4. Grants and loans awarded pursuant to this section shall be disbursed directly to eligible recipients in any city with a population of at least twenty-five thousand inhabitants located in a county of the first classification in an amount equal to the percentage ratio that the recipient's population bears to the total population of the county.

5. Other provisions of this section notwithstanding, in those cities or counties served by a sewer district established pursuant to article VI, section 30(a) of the Constitution of the state of Missouri, any grants or loans awarded shall be disbursed directly to such district.

644.572. 1. In addition to those sums authorized prior to the effective date of this section, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of two and one-half million dollars in the manner and for the purpose of financing and constructing improvements as set out in chapter 640, RSMo, and this chapter.

2. In addition to those sums authorized prior to effective date of this section, the board of fund commissioners of the state of Missouri, as authorized by section 37(e) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of fifteen million dollars in the manner and for the purposes set out in chapter 640, RSMo, and this chapter.

644.574. In addition to those sums authorized prior to the effective date of this section, the board of fund commissioners of the state of Missouri, as authorized by section 37(g) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of ten million dollars for the purposes of financing and constructing improvements as set out in chapter 640, RSMo, and in this chapter. The department shall allocate these funds to counties, municipalities, sewer districts, water districts, or any combination of the same to provide grants and loans for rural water and sewer projects.

644.576. 1. In addition to those sums authorized prior to the effective date of this section, the board of fund commissioners of the state of Missouri, as authorized by

section 37(h) of article III of the Constitution of the state of Missouri, may borrow on the credit of this state the sum of twenty million dollars for the purposes of financing and constructing storm water control plans, studies and projects as set out in this chapter. The department shall allocate these funds through grants and loans to municipalities, sewer districts, sewer districts established pursuant to article VI, section 30(a) of the Missouri Constitution, water districts, or any combination of the same located in a county of the first classification or in any city not within a county or by any county of the first classification.

2. Of the funds allocated in subsection 1 of this section, fifty percent shall be allocated to grants and fifty percent shall be allocated to loans. Grant amounts so awarded shall be fifty percent of the cost of the plan, study or project.

3. Grants and loans awarded pursuant to this section shall be disbursed to eligible recipients in counties of the first classification and in a city not within a county in an amount equal to the percentage ratio that the population of the recipient county or city bears to the total population of all counties of the first classification and cities not within a county as determined by the last decennial census.

4. Grants and loans awarded pursuant to this section shall be disbursed directly to eligible recipients in any city with a population of at least twenty-five thousand inhabitants located in a county of the first classification in an amount equal to the percentage ratio that the recipient's population bears to the total population of the county.

5. Other provisions of this section notwithstanding, in those cities or counties served by a sewer district established pursuant to article VI, section 30(a) of the Constitution of the state of Missouri, any grants or loans awarded shall be disbursed directly to such district.

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