

FIRST REGULAR SESSION

SENATE BILL NO. 625

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOLL.

Read 1st time March 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1455S.061

AN ACT

To amend chapter 249, RSMo, by adding thereto seven new sections relating to sewer districts.

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

Section A. Chapter 249, RSMo, is amended by adding thereto seven new sections, to be known as sections 249.1100, 249.1103, 249.1106, 249.1109, 249.1112, 249.1115 and 249.1118, to read as follows:

249.1100. Except as otherwise provided in section 30(a) of article VI of the Missouri Constitution, regardless of being a sewer district pursuant to chapter 204, RSMo, or this chapter, when the governing bodies of two or more contiguous sewer districts determine that a consolidated sewer system would better serve the area within their boundaries, the governing bodies shall submit the proposal for a consolidated sewer district to the governing body of the county where the existing sewer districts are located. Such governing body of the county after consultation with the sewer engineer pursuant to section 204.300, RSMo, and section 249.460, shall adopt a resolution to establish the boundaries of the proposed consolidated sewer district. The resolution shall describe the size and location of the proposed consolidated sewer district.

249.1103. Prior to election for the creation of a consolidated sewer district, the governing body of the county receiving the proposal pursuant to section 249.1100, shall set a day for a public hearing and shall publish the resolution with a notice of the time and place of public hearing in some local newspaper of general circulation, published in such county in which any district proposed to be consolidated lies at least thirty days before the date of the hearing. At such hearing anyone interested in the proposed consolidation of sewer districts may appear and present their views to the governing body of the county.

249.1106. 1. The governing body of the county proposing to create a consolidated sewer district shall submit the question of creating such consolidated sewer district to all owners of record of all real property within each existing sewer district or districts at a municipal or general or special election called for that purpose. Such order or ordinance shall set forth the name for the proposed consolidated sewer district, the general nature of the proposed consolidated sewer district, the estimated cost of the sewer improvements for such consolidated sewer district, the boundaries of the existing districts that will become the consolidated sewer district, and the proposed method or methods of assessment. The governing body of the county may thereafter create a consolidated sewer district from existing sewer districts formed pursuant to chapter 204, RSMo, or this chapter when the question of creating such consolidated sewer district has been approved by a majority of the total votes cast in each existing sewer district or districts seeking to combine into a consolidated sewer district. There shall be separate submissions of the question of creating a consolidated sewer district to each group of voters within each existing sewer district or districts, and the elections shall be held simultaneously.

2. The notice of election containing the question of creating a consolidated sewer district shall contain the project name for the proposed consolidated sewer district, the general nature of the proposed consolidated sewer district, the estimated cost of the sewer improvements for such consolidated sewer district, the boundaries of the existing districts to be consolidated, the proposed method or methods of assessment, and a statement that the final cost of such sewer improvements assessed against property within the consolidated sewer district and the amount of general obligation bonds issued therefor shall not exceed the estimated cost of such sewer improvements, as stated in such notice, by more than twenty-five percent. The ballot upon which the question of creating a consolidated sewer district is submitted to the qualified voters residing within each existing sewer district or districts shall contain a question in substantially the following form:

Shall the (governing body's name) of (county's name) be authorized to dissolve the existing (name of existing sewer district) and create a consolidated sewer district proposed for the (name of existing sewer districts to be consolidated) and authorize the consolidated sewer districts to incur indebtedness and issue general obligation bonds to pay for all or part of the cost of the creation and maintenance of such consolidated sewer district, with the cost of all indebtedness so incurred to be assessed by the (name of consolidated sewer district) on the property within the consolidated sewer district?

Yes

No

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

If a majority of the total votes cast on the proposal by the qualified voters of each existing district or districts voting thereon are in favor of the proposal, then the order shall become effective. If the proposal receives less than the required majority in at least one existing district, then the governing body of the county shall have no power to impose the consolidation of sewer districts authorized pursuant to this section unless and until the governing body of the county shall again have submitted another proposal to authorize the governing body of the county to consolidate as authorized by this section and such proposal is approved by the required majority of the total votes cast on the proposal by the qualified voters of each existing district or districts voting on such proposal.

3. The boundaries of the proposed consolidated sewer district shall be described by metes and bounds, streets or other sufficiently specific description.

249.1109. At the time of the effective date of the consolidation, all the property of the original districts shall be combined and administered as one unit, which shall be subject to the liens, liabilities and obligations of the original districts, provided that if any district included in the consolidated district has issued general obligation bonds which are outstanding at the time of the consolidation, any taxes to be levied to pay the bonds and interest thereon shall be levied only upon the property within the original district issuing the bonds as it existed on the date of such issuance. All special obligation or revenue bonds issued by any district included in the consolidated district shall be paid in accordance with the terms thereof, without preference, from the revenue received by the consolidated district.

249.1112. 1. A sewer district created pursuant to sections 249.1100 to 249.1127, shall have a board of directors which shall consist of five members, appointed by the governing body of the county in which the consolidated sewer district is located. Each member shall be a United States citizen, a registered voter, over the age of twenty-five years and shall have been a resident within the consolidated sewer district for one whole year prior to appointment.

2. The board shall be responsible for the control and operation of all such sewer districts organized pursuant to section 249.1106.

3. Beginning with appointments made after August 28, 2001, one member shall be appointed for four years, two members shall be appointed for three years and two members shall be appointed for two years. Following the initial appointments, the term of each board member shall be five years.

4. A vacancy in the office of a member shall be filled by appointment in the same

manner as the original appointments.

5. No member of the board shall be entitled to any compensation for the performance of the member's official duties, but each member shall be reimbursed for necessary and actual expenses incurred in the performance of the member's official duties by the consolidated sewer district. The board members shall be reimbursed by the district for all reasonable expenses incurred in the performance of their duties.

249.1115. The consolidated sewer district shall retain all the powers, privileges and duties therein conferred and provided upon each original individual sewer district pursuant to chapter 204, RSMo, or this chapter, whichever it was created and organized under.

249.1118. Dissolution of a sewer district created pursuant to section 249.1106 shall follow the procedures established in sections 67.950 to 67.955, RSMo.

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