

FIRST REGULAR SESSION

SENATE BILL NO. 488

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR VOGEL.

Read 1st time February 25, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

2172S.011

AN ACT

To amend chapter 233, RSMo, by adding thereto one new section relating to special road districts.

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

Section A. Chapter 233, RSMo, is amended by adding thereto one new
2 section, to be known as section 233.168, to read as follows:

**233.168. 1. Notwithstanding any provision of the law to the
2 contrary, the governing body of any city of the fourth classification
3 with more than one thousand four hundred but fewer than one
4 thousand five hundred inhabitants and located in more than one county
5 may withdraw from any special road district located in any county of
6 the first classification with more than thirty-seven thousand but fewer
7 than thirty-seven thousand one hundred inhabitants and in any county
8 of the third classification without a township form of government and
9 with more than twenty-three thousand five hundred but fewer than
10 twenty-three thousand six hundred inhabitants, and may form a new
11 road district with boundaries identical to the boundaries of such city.
12 No withdrawal of any such city from a special road district shall impair
13 or affect the existing special road district's organization, rights in or
14 to property, or any of its rights or privileges, nor shall the withdrawal
15 affect, impair, or discharge any contract, obligation, lien, or charge for
16 or upon which the special road district might be liable or chargeable
17 had the withdrawal not occurred. No withdrawal from any existing
18 special road district under this section shall affect the validity of the
19 special road district that remains.**

**20 2. Any city desiring to withdraw from an existing special road
21 district and form a new road district under this section shall adopt a**

22 resolution effecting the withdrawal. No such resolution shall become
23 effective unless the governing body of the city submits to the voters
24 residing within the city at a state general, primary, or special election
25 a proposal to authorize the governing body of the city to withdraw from
26 the special road district and to form a new road district under this
27 section. If a majority of the votes cast on the question by the qualified
28 voters voting thereon are in favor of the question, then the withdrawal
29 and the formation of the new road district shall become effective, and
30 the boundaries of the existing special road district shall be redrawn to
31 exclude the new road district. If a majority of the votes cast on the
32 question by the qualified voters voting thereon are opposed to the
33 question, then the withdrawal and the formation of the new road
34 district shall not become effective unless and until the question is
35 resubmitted under this section to the qualified voters and such
36 question is approved by a majority of the qualified voters voting on the
37 question.

38 3. If a majority of the votes cast on the question by the qualified
39 voters voting thereon are in favor of the question, then the governing
40 body of the city shall notify the county clerks of each county in which
41 the new road district is situated of the election results, and shall notify
42 the commissioners of the respective special road districts that such city
43 is no longer included in such special road districts. All moneys that
44 were used in each portion of the county in which the new road district
45 lies before the withdrawal of the city under this section shall be
46 disbursed to and used in the new road district formed under this
47 section.

48 4. Any new road district formed under this section shall be
49 subject to all provisions in sections 233.010 to 233.165, except for
50 section 233.095. For all such new road districts, any power or duty
51 granted to the county commission in sections 233.010 to 233.165 shall be
52 deemed to be granted to the governing body of the city that forms a
53 new road district under this section.

54 5. In a new road district formed under this section, any question
55 relating to the levy of a tax as provided in sections 137.565 to 137.575,
56 RSMo, shall be submitted to the voters at the same time as the question
57 on the withdrawal and formation of a new road district is submitted
58 under this section. The provisions established in sections 137.565 to

59 137.575, RSMo, except for the requirement that ten or more voters shall
60 petition the county commission to submit the question relating to the
61 levy, shall apply. The provisions of sections 137.556 and 137.580, RSMo,
62 shall not apply to such new road districts.

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