

FIRST REGULAR SESSION

# SENATE BILL NO. 360

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR LAGER.

Read 1st time February 28, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

1813S.011

## AN ACT

To amend chapter 67, RSMo, by adding thereto five new sections relating to a county drinking water supply lake authority.

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

Section A. Chapter 67, RSMo, is amended by adding thereto five new sections, to be known as sections 67.4500, 67.4505, 67.4510, 67.4515, and 67.4520, to read as follows:

**67.4500. As used in sections 67.4500 to 67.4520, the following terms shall mean:**

(1) "Authority", any county drinking water supply lake authority created by sections 67.4500 to 67.4520;

(2) "Conservation storage level", the target elevation established for a drinking water supply lake at the time of design and construction of such lake;

(3) "Costs", the sum total of all reasonable or necessary expenses incidental to the acquisition, construction, expansion, repair, alteration, and improvement of the project, including without limitation the following: the expense of studies and surveys; the cost of all lands, properties, rights, easements, and franchises acquired; land title and mortgage guaranty policies; architectural and engineering services; legal, organizational marketing, or other special services; provisions for working capital; reserves for principal and interest; and all other necessary and incidental expenses, including interest during construction on bonds issued to finance the project and for a period subsequent to the estimated date of completion of the project;

(4) "Project", recreation and tourist facilities and services, including, but not limited to, lakes, parks, recreation centers,

21 restaurants, hunting and fishing reserves, historic sites and attractions,  
22 and any other facilities that the authority may desire to undertake,  
23 including the related infrastructure buildings and the usual and  
24 convenient facilities appertaining to any undertakings, and any  
25 extensions or improvements of any facilities, and the acquisition of any  
26 property necessary therefore, all as may be related to the development  
27 of a water supply source, recreational and tourist accommodations, and  
28 facilities;

29 (5) "Water commission", a water commission owning a reservoir  
30 formed pursuant to sections 393.700 to 393.770;

31 (6) "Watershed", the area that contributes or may contribute to  
32 the surface water of any lake as determined by the authority.

67.4505. 1. There is hereby created within any county of the  
2 third classification with a township form of government and with more  
3 than seven thousand two hundred but fewer than seven thousand three  
4 hundred inhabitants a county drinking water supply lake authority,  
5 which shall be a body corporate and politic and a political subdivision  
6 of this state.

7 2. The authority may exercise the powers provided to it under  
8 section 67.4520 over the reservoir area encompassing any drinking  
9 water supply lake of one thousand five hundred acres or more, as  
10 measured at its conservation storage level, and within the lake's  
11 watershed.

12 3. It shall be the purpose of each authority to promote the  
13 general welfare and a safe drinking water supply through the  
14 construction, operation, and maintenance of a drinking water supply  
15 lake.

16 4. The income of the authority and all property at any time  
17 owned by the authority shall be exempt from all taxation or any  
18 assessments whatsoever to the state or of any political subdivision,  
19 municipality, or other governmental agency thereof.

20 5. No county in which an authority is organized shall be held  
21 liable in connection with the construction, operation, or maintenance  
22 of any project or program undertaken pursuant to sections 67.4500 to  
23 67.4520, including any actions taken by the authority in connection  
24 with such project or program.

67.4510. A county drinking water supply lake authority shall

2 consist of at least six but not more than thirty members, appointed as  
3 follows:

4 (1) Members of the water commission shall appoint all members  
5 to the authority, one-third of the initial members for a six-year term,  
6 one-third for a four-year term, and the remaining one-third for a  
7 two-year term, until a successor is appointed; provided that, if there is  
8 an odd number of members, the last person appointed shall serve a  
9 two-year term. Upon the expiration of each term, a successor shall be  
10 appointed for a six-year term;

11 (2) No person shall be appointed to serve on the authority unless  
12 he or she is a registered voter in the state for more than five years, a  
13 resident in the county where the water commission is located for more  
14 than five years, and over the age of twenty-five years. If any member  
15 moves outside such county, the seat shall be deemed vacant and a new  
16 member shall be appointed by the county commission to complete the  
17 unexpired term.

67.4515. 1. The water commission shall by resolution establish  
2 a date and time for the initial meeting of the authority.

3 2. At the initial meeting, and annually thereafter, the authority  
4 shall elect one of its members as chairman and one as vice chairman,  
5 and appoint a secretary and a treasurer who may be a member of the  
6 authority. If not a member of the authority, the secretary or treasurer  
7 shall receive compensation that shall be fixed from time to time by  
8 action of the authority. The authority may appoint an executive  
9 director who shall not be a member of the authority and who shall  
10 serve at its pleasure. If an executive director is appointed, he or she  
11 shall receive such compensation as shall be fixed from time to time by  
12 action of the authority. The authority may designate the secretary to  
13 act in lieu of the executive director. The secretary shall keep a record  
14 of the proceedings of the authority and shall be the custodian of all  
15 books, documents, and papers filed with the authority, the minute  
16 books or journal thereof, and its official seal. The secretary may cause  
17 copies to be made of all minutes and other records and documents of  
18 the authority and may give certificates under the official seal of the  
19 authority to the effect that the copies are true and correct copies, and  
20 all persons dealing with the authority may rely on such  
21 certificates. The authority, by resolution duly adopted, shall fix the

22 powers and duties of its executive director as it may from time to time  
23 deem proper and necessary.

24 3. Each member of the authority shall execute a surety bond in  
25 the penal sum of fifty thousand dollars or, in lieu thereof, the chairman  
26 of the authority shall execute a blanket bond covering each member  
27 and the employees or other officers of the authority, each surety bond  
28 to be conditioned upon the faithful performance of the duties of the  
29 office or offices covered, to be executed by a surety company  
30 authorized to transact business in the state as surety, and to be  
31 approved by the attorney general and filed in the office of the secretary  
32 of state. The cost of each such bond shall be paid by the authority.

33 4. No authority member shall participate in any deliberations or  
34 decisions concerning issues where the authority member has a direct  
35 financial interest in contracts, property, supplies, services, facilities,  
36 or equipment purchased, sold, or leased by the authority. Authority  
37 members shall additionally be subject to the limitations regarding the  
38 conduct of public officials as provided in chapter 105.

67.4520. 1. The authority may:

2 (1) Acquire, own, construct, lease, and maintain recreational or  
3 water quality projects;

4 (2) Acquire, own, lease, sell, or otherwise dispose of interests in  
5 and to real property and improvements situated thereon and in  
6 personal property necessary to fulfill the purposes of the authority;

7 (3) Contract and be contracted with, and to sue and be sued;

8 (4) Accept gifts, grants, loans, or contributions from the federal  
9 government, the state of Missouri, political subdivisions, municipalities,  
10 foundations, other public or private agencies, individuals, partnerships,  
11 or corporations;

12 (5) Employ such managerial, engineering, legal, technical,  
13 clerical, accounting, advertising, stenographic, and other assistance as  
14 it may deem advisable. The authority may also contract with  
15 independent contractors for any of the foregoing assistance;

16 (6) Disburse funds for its lawful activities and fix salaries and  
17 wages of its employees;

18 (7) Fix rates, fees, and charges for the use of any projects and  
19 property owned, leased, operated, or managed by the authority;

20 (8) Adopt, alter, or repeal its own bylaws, rules, and regulations

21 governing the manner in which its business may be transacted;  
22 however, said bylaws, rules, and regulations shall not exceed the  
23 powers granted to the authority by sections 67.4500 to 67.4520;

24 (9) Either jointly with a similar body, or separately, recommend  
25 to the proper departments of the government of the United States, or  
26 any state or subdivision thereof, or to any other body, the carrying out  
27 of any public improvement;

28 (10) Provide for membership in any official, industrial,  
29 commercial, or trade association, or any other organization concerned  
30 with such purposes, for receptions of officials or others as may  
31 contribute to the advancement of the authority and development  
32 therein, and for such other public relations activities as will promote  
33 the same, and such activities shall be considered a public purpose;

34 (11) Cooperate with municipalities and other political  
35 subdivisions as provided in chapter 70;

36 (12) Enter into any agreement with any other state, agency,  
37 authority, commission, municipality, person, corporation, or the United  
38 States, to effect any of the provisions contained in sections 67.4500 to  
39 67.4520;

40 (13) Sell and supply water and construct, own, and operate  
41 infrastructure projects in areas within its jurisdiction, including but  
42 not limited to roads, bridges, water and sewer systems, and other  
43 infrastructure improvements;

44 (14) Issue revenue bonds in the same manner as provided under  
45 section 67.789; and

46 (15) Adopt tax increment financing within its boundaries in the  
47 same manner as provided under section 67.790.

48 2. The state or any political subdivision or municipal corporation  
49 thereof may in its discretion, with or without consideration, transfer  
50 or cause to be transferred to the authority or may place in its  
51 possession or control, by deed, lease, or other contract or agreement,  
52 either for a limited period or in fee, any property wherever situated.

53 3. The state or any political subdivision may appropriate,  
54 allocate, and expend such funds of the state or political subdivision for  
55 the benefit of the authority as are reasonable and necessary to carry  
56 out the provisions of sections 67.4500 to 67.4520.

57 4. The authority may exercise the power of eminent domain

58 under chapter 523. If the authority exercises such power,  
59 condemnation proceedings shall be maintained by and in the name of  
60 the authority, and it may proceed in the manner provided by the laws  
61 of this state for any municipality. The authority shall not exercise such  
62 power of eminent domain in any area which lies more than three  
63 hundred feet beyond the probable maximum flood level of any lake,  
64 except for the purpose of establishing parks or recreational facilities  
65 or constructing roads, parking facilities or parkways, bridges, water  
66 and sewer systems, and other infrastructure improvements. For  
67 purposes of this section, "probable maximum flood level" means the  
68 potential flood level as determined by a nationally recognized  
69 engineering firm utilizing current probable maximum precipitation  
70 figures as determined by the United States Weather Service.

71         5. The authority is authorized to contract for or to provide for  
72 and maintain a security force with respect to any project or other  
73 property owned, leased, operated, or under the control of the authority  
74 and within the territory thereof. A member of such force shall be  
75 certified as a peace officer under chapter 590 and, as such, shall have  
76 authority equivalent to the authority of a law enforcement officer of  
77 the county in which the officer is discharging his or her duties.

78         6. The authority shall have the authority to exercise all zoning  
79 and planning powers that are granted to cities, towns, and villages  
80 under chapter 89, except that the authority shall not exercise such  
81 powers inside the corporate limits of any city, town, or village which  
82 has adopted a city plan under the laws of this state before August 28,  
83 2011.

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