

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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