

FIRST REGULAR SESSION

SENATE BILL NO. 497

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Read 1st time February 24, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

2194L.01I

AN ACT

To repeal sections 67.950 and 67.955, RSMo, and to enact in lieu thereof two new sections relating to dissolution of special districts.

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

Section A. Sections 67.950 and 67.955, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 67.950 and 67.955, to
3 read as follows:

67.950. 1. Any special purpose district formed under the provisions of a
2 statute of this state requiring approval by the voters of the district, and for which
3 no specific procedure is provided to terminate or dissolve such a district, may be
4 dissolved [in the following manner:

5 (1) Upon the filing with the governing body of the district of a petition
6 containing the signatures of eight percent or more of the voters of the district or
7 upon the motion of a majority of the members of the governing body it shall
8 submit the question to the voters in the district using the same procedure and in
9 the same manner so far as practicable as is provided for the submission of the
10 question for forming the district.

11 (2)] **as provided in this section and section 67.955.**

12 2. **A petition describing the boundaries of the district sought to**
13 **be dissolved shall be filed with the clerk of the circuit court of the**
14 **county in which the subject district is located or, if the subject district**
15 **embraces lands in more than one county, with the clerk of the circuit**
16 **court of the county having the largest acreage within the boundaries**
17 **of the subject district. Such petition, in addition to such boundary**
18 **description, shall allege that further operation of the subject district**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 is inimical to the best interests of the inhabitants of the district and
20 that the district should, in the interest of the public welfare and safety,
21 be dissolved, and such other information as may be useful to the court
22 in determining whether the petition should be granted and a decree of
23 dissolution entered. Such petition shall also include a detailed plan for
24 payment of all debt and obligations of the district at the time of
25 dissolution. Such petition shall be accompanied by a cash deposit of
26 fifty dollars as an advancement of the costs of the proceeding, and the
27 petition shall be signed by eight percent or more of the voters of the
28 district. The petition shall be verified by at least one of the signers
29 thereof and shall be served upon the governing board of the
30 district. The district shall be a party, and if the governing board in its
31 discretion determines that such dissolution is not in the public interest,
32 the district shall oppose such petition and pay all cost and expense
33 thereof.

34 3. Upon the filing of the petition, the petition shall be presented
35 to the circuit court and such court shall fix a date for a hearing on such
36 petition. The clerk of the court shall give notice of the filing of the
37 petition in some newspaper of general circulation in the county in
38 which the proceedings are pending, and if the district extends into any
39 other county or counties, such notice shall also be published in some
40 newspaper of general circulation in such other county or counties. The
41 notice shall contain a description of the subject boundary lines of the
42 district and the general purposes of the petition, and shall set forth the
43 date fixed for the hearing on the petition, which shall not be less than
44 seven nor more than twenty-one days after the date of the last
45 publication of the notice and shall be on some regular judicial day of
46 the court in which the petition is pending. Such notice shall be signed
47 by the clerk of the circuit court and shall be published in three
48 successive issues of a weekly newspaper or in twenty successive issues
49 of a daily newspaper.

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

52 5. Exceptions to the dissolution of a district may be made by any
53 voter or landowner of the district, and by the district as provided in
54 this section. Such exceptions shall be filed not less than five days prior
55 to the date set for the hearing on the petition. Such exceptions shall

56 specify the grounds upon which the exceptions are filed, and the court
57 shall take them into consideration in passing upon the petition and
58 shall also consider the evidence in support of the petition and in
59 support of the exceptions made. Unless petitioners prove that all debts
60 and financial obligations of the district can be paid in full upon
61 dissolution, the petition shall be dismissed at the cost of the
62 petitioners.

63 6. Should the court find that it would not be to the public
64 interest to dissolve a district, the petition shall be dismissed at the
65 costs of the petitioners. If, however, the court should find in favor of
66 the petitioners, the court shall enter its interlocutory decree of
67 dissolution, which decree shall provide for the submission of the
68 question to the voters of the district. The decree of dissolution shall
69 not become final and conclusive until it has been submitted to the
70 voters residing within the boundaries described in such decree and
71 approved by a majority of the votes cast. The decree shall provide for
72 the submission of the question and shall fix the date thereof.

73 7. The question shall be submitted in substantially the following form:
74 Shall the district be dissolved?

75 [(3) If the question receives a majority of the votes cast the district shall
76 be dissolved for all purposes except the payment of outstanding bonded
77 indebtedness, if any]

78 8. The returns shall be certified by the election authority to the
79 circuit court having jurisdiction in the case. Upon receiving such
80 certification, the court shall enter its order canvassing the returns and
81 declaring the result of such election. If a majority of the votes cast on
82 the question by the qualified voters voting thereon are in favor of the
83 question, then the court shall, in such order declaring the result of the
84 election, enter a further order declaring the decree of dissolution to be
85 final and conclusive. If a majority of the votes cast on the question by
86 the qualified voters voting thereon are opposed to the question, then
87 the court shall enter a further order declaring such decree of
88 dissolution to be void and of no effect. No appeal shall lie from any of
89 such orders. In the event that the court declares the decree of
90 dissolution to be final as provided in this subsection, the clerk of the
91 circuit court shall file certified copies of such decree of dissolution and
92 of such final order with the secretary of state, the recorder of deeds of

93 the county or counties in which the district is located, and with the
94 clerk of the county commission of the county or counties in which the
95 district is located.

96 **9. Notwithstanding any other provision of law in this section to**
97 **the contrary, no district shall be dissolved until all of its outstanding**
98 **indebtedness has been paid, and the court in its decree of dissolution**
99 **shall provide for the disposition of the remaining property of the**
100 **district.**

67.955. **Subject to any decree of dissolution entered under section**
2 **67.950**, the governing body, upon passage of a proposition to dissolve, shall
3 dispose of all assets of the district and apply all proceeds to the payment of all
4 indebtedness of the district and if any funds are left after such liquidation they
5 shall be paid to the taxpayers of the district. Such payments shall be computed
6 on the ratio of each taxpayer's tax paid in to the total tax collected for the last
7 taxable year for which the district collected taxes. The liquidation, payments and
8 refunds shall be completed within one hundred twenty days after the date of the
9 submission of the question, and the district shall cease to exist; except that if
10 general obligation bonded indebtedness exists the district shall continue to exist
11 solely for the purpose of levying and collecting taxes to pay such indebtedness.

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