

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 30

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR SATER.

Pre-filed December 1, 2016, and ordered printed.

Read 2nd time January 5, 2017, and referred to the Committee on Local Government and Elections.

Reported from the Committee March 9, 2017, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 27, 2017. Read 3rd time and placed upon its final passage; bill passed.

ADRIANE D. CROUSE, Secretary.

0478S.01P

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## AN ACT

To repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to county road district consolidation.

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

Section A. Section 233.295, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 233.295, to read as follows:

233.295. 1. Whenever a petition, signed by the owners of a majority of the  
2 acres of land, within a road district organized under the provisions of sections  
3 233.170 to 233.315 shall be filed with the county commission of any county in  
4 which such district is situated, setting forth the name of the district and the  
5 number of acres owned by each signer of such petition and the whole number of  
6 acres in such district, the county commission shall have power, if in its opinion  
7 the public good will be thereby advanced, to disincorporate such road district. No  
8 such road district shall be disincorporated until notice is published in at least one  
9 newspaper of general circulation in the county where the district is situated for  
10 four weeks successively prior to the hearing of such petition.

11 2. In any county with a population of at least thirty-two thousand  
12 inhabitants which adjoins a county of the first classification which contains a city  
13 with a population of one hundred thousand or more inhabitants that adjoins no  
14 other county of the first classification, whenever a petition signed by at least fifty  
15 registered voters residing within the district organized under the provisions of  
16 sections 233.170 to 233.315 is filed with the county clerk of the county in which  
17 the district is situated, setting forth the name of the district and requesting the  
18 disincorporation of such district, the county clerk shall certify for election the  
19 following question to be voted upon by the eligible voters of the district:

20 Shall the ..... incorporated road district organized under  
21 the provisions of sections 233.170 to 233.315, RSMo, be dissolved?

22  YES  NO

23 If a majority of the persons voting on the question are in favor of the proposition,  
24 then the county commission shall disincorporate the road district.

25 3. The petition filed pursuant to subsection 2 of this section shall be  
26 submitted to the clerk of the county no later than eight weeks prior to the next  
27 countywide election at which the question will be voted upon.

28 4. Notwithstanding other provisions of this section to the contrary, in any  
29 county of the first classification with more than one hundred four thousand six  
30 hundred but less than one hundred four thousand seven hundred inhabitants,  
31 any petition to disincorporate a road district organized under sections 233.170 to  
32 233.315 shall be presented to the county commission or similar authority. The  
33 petition shall be signed by the lesser of fifty or a majority of the registered voters  
34 residing within the district, shall state the name of the district, and shall request  
35 the disincorporation of the district. If a petition is submitted as authorized in  
36 this section, and it is the opinion of the county commission that the public good  
37 will be advanced by the disincorporation after providing notice and a hearing as  
38 required in this section, then the county commission shall disincorporate the road  
39 district. This subsection shall not apply to any road district located in two  
40 counties.

41 5. Notwithstanding other provisions of this section to the contrary, in any  
42 county of the third classification without a township form of government and with  
43 more than thirty-four thousand but fewer than thirty-four thousand one hundred  
44 inhabitants, any petition to disincorporate a road district organized under  
45 sections 233.170 to 233.315 shall be presented to the county commission or  
46 similar authority. The petition shall be signed by the lesser of fifty or a majority  
47 of the registered voters residing within the district, shall state the name of the  
48 district, and shall request the disincorporation of the district. If a petition is  
49 submitted as authorized in this section, and it is the opinion of the county  
50 commission that the public good will be advanced by the disincorporation after  
51 providing notice and a hearing as required in this section, then the county  
52 commission shall disincorporate the road district. This subsection shall not apply  
53 to any road district located in two counties.

54 6. Notwithstanding other provisions of this section to the contrary, in any  
55 county of the second classification with more than fifty-four thousand two

56 hundred but fewer than fifty-four thousand three hundred inhabitants, any  
57 petition to disincorporate a road district organized under sections 233.170 to  
58 233.315 shall be presented to the county commission or similar authority. The  
59 petition shall be signed by the lesser of fifty or a majority of the registered voters  
60 residing within the district, shall state the name of the district, and shall request  
61 the disincorporation of the district. If a petition is submitted as authorized in  
62 this section, and it is the opinion of the county commission that the public good  
63 will be advanced by the disincorporation after providing notice and a hearing as  
64 required in this section, then the county commission shall disincorporate the road  
65 district. This subsection shall not apply to any road district located in two  
66 counties.

67 7. Notwithstanding other provisions of this section to the contrary, in any  
68 county, any petition to disincorporate a road district organized under sections  
69 233.170 to 233.315 shall be presented to the county commission or similar  
70 authority. The petition shall be signed by the lesser of fifty or a majority of the  
71 registered voters residing within the district, shall state the name of the district,  
72 and shall request the disincorporation of the district. If a petition is submitted  
73 as authorized in this section, and it is the opinion of the county commission that  
74 the public good will be advanced by the disincorporation after providing notice  
75 and a hearing as required in this section, then the county commission shall  
76 disincorporate the road district. This subsection shall not apply to any road  
77 district located in two counties.

78 8. Notwithstanding other provisions of this section to the contrary, in any  
79 county, a petition to disincorporate a road district located in two counties  
80 organized under sections 233.170 to 233.315 shall be presented to the county  
81 commission or similar authority in each county in which the road district is  
82 located. Each petition shall be signed by the lesser of fifty or a majority of the  
83 registered voters residing within the district and county, shall state the name of  
84 the district, and shall request the disincorporation of the district. If a petition  
85 is submitted as authorized in this section, and it is the opinion of the county  
86 commission in each county in which the road district is located that the public  
87 good will be advanced by the disincorporation after providing notice and a  
88 hearing as required in this section, then the county commission in each county  
89 in which the road district is located shall disincorporate the road district. A road  
90 district located in two counties shall not be disincorporated until it is  
91 disincorporated in each county in which it is located.

92           **9. The county commission or similar authority shall have the**  
93 **power to combine two or more road districts organized under sections**  
94 **233.170 to 233.315 upon request by a petition signed by a majority of the**  
95 **commissioners in each of the road districts seeking to be combined.**

96           **10. The petition presented to the county commission or similar**  
97 **authority shall set forth the request that the road districts desire to be**  
98 **consolidated and shall set forth the proposed name of the new road**  
99 **district. If a petition is submitted as authorized in this section, then**  
100 **the county commission or similar authority shall hold a public hearing**  
101 **at a place and time it designates after it has published notice of the**  
102 **hearing for four consecutive weeks in a newspaper of general**  
103 **circulation in the county.**

104           **11. After said hearing, if it is the opinion of the county**  
105 **commission that the public good will be advanced by the consolidation**  
106 **of the districts, then the county commission or similar authority shall**  
107 **issue its order consolidating the districts and in its order set the**  
108 **effective date of the consolidation.**

109           **12. Upon consolidation, the county commission or similar**  
110 **authority shall appoint the three initial commissioners of the**  
111 **consolidated district, one for a term of one year, one for a term of two**  
112 **years, and one for a term of three years.**

113           **13. Upon consolidation, all assets and liabilities of the combined**  
114 **districts shall vest in the new consolidated district. In the event the**  
115 **tax levies of the combined districts are different, then the initial tax**  
116 **levy for the consolidated district shall be the lower of the districts**  
117 **which were combined until changed as provided by statute.**

118           **14. The county commission or similar authority shall have the**  
119 **power to make deeds, bills of sale, or other instruments transferring**  
120 **the assets of the districts combined to the new consolidated district and**  
121 **shall have all other powers necessary to effectuate the consolidation**  
122 **and transfer of all assets and liabilities to the consolidated road**  
123 **district.**

124           **15. The provision of subsections 9 to 15 of this section shall not**  
125 **apply to any road district located in two counties.**