

SENATE BILL NO. 1060

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

4565S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 247, RSMo, by adding thereto two new sections relating to public water supply districts.

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

Section A. Chapter 247, RSMo, is amended by adding thereto
2 two new sections, to be known as sections 247.181 and 247.229,
3 to read as follows:

247.181. 1. As an alternative to detachment pursuant
2 to provisions of this chapter, the owners of record of fifty
3 percent or more of the area of any tract of land located
4 within a public water supply district organized under the
5 provisions of sections 247.010 to 247.220, and that is not
6 receiving water service from such district, may petition the
7 circuit court of the county in which the territory proposed
8 to be detached is situated for expedited detachment of such
9 territory from the district, and the petitioners shall be
10 entitled to such detachment if the following conditions are
11 satisfied as of the date the petition is filed:

12 (1) No voters reside within the territory proposed to
13 be detached, as shown by the records of the county election
14 authority, as defined in section 115.015;

15 (2) No water lines or other facilities owned or
16 operated by the district are located on or under the
17 territory proposed to be detached;

18 (3) No general obligation bonds of the district are
19 outstanding; and

20 (4) The proposed territory to be detached is located
21 in any county:

22 (a) With a charter form of government;

23 (b) Within the boundaries of which there are two or
24 more public water supply districts in existence on August
25 28, 2026, that are organized under the provisions of
26 sections 247.010 to 247.220; and

27 (c) Which is adjacent to a county adjoining a city not
28 located within a county.

29 2. The petition shall include:

30 (1) A legal description of the territory proposed to
31 be detached;

32 (2) An affidavit by the petitioners affirming
33 satisfaction of the conditions set forth in subsection 1 of
34 this section; and

35 (3) A request that the circuit court order detachment
36 pursuant to the provisions of this section.

37 3. On the day a petitioner files the petition in the
38 circuit court pursuant to the provisions of this section,
39 the petitioner shall send, via certified mail, a return
40 receipt requested, a copy of the petition to the district,
41 to the county election authority, the county clerk, and the
42 secretary of state.

43 4. The election authority of the county shall,
44 following receipt of the petition, issue a certificate,
45 dated as of the date of issuance, stating whether the
46 records of the election authority show any voters residing
47 within the territory proposed to be detached. The election
48 authority shall file such issued certificate with the
49 circuit court, and shall serve a copy of such certificate

upon the petitioners. The certificate shall be issued by the election authority and filed with the circuit court no later than thirty days following the date on which the election authority receives the petition. If the election authority fails to issue the certificate and file such certificate with the circuit court within such thirty day period, then, for purposes of evaluating whether the conditions set forth in subsection 1 of this section are satisfied, the court shall treat such failure as equivalent to certification that no voters reside within the territory proposed to be detached. The petitioner shall be responsible for payment of the reasonable costs of the election authority for providing such certificate.

5. The board of directors of the district shall, following receipt of the petition, file with the circuit court a verification under oath, signed by an authorized officer or agent of the district, stating whether any water lines or other facilities owned or operated by the district are located on or under the territory proposed to be detached and whether the district has any outstanding general obligation bonds as of the time the petition is filed. The district shall also serve a copy of such verification on the petitioners. The verification shall be filed with the court and served upon the petitioners no later than thirty days following the date on which the district receives the petition. If the board of directors fails to file the verification within such thirty day period, for purposes of evaluating whether the conditions set forth in subsection 1 of this section are satisfied, the court shall treat such failure as equivalent to the verification under oath from the district that no water lines or other facilities owned or operated by the district

82 are located on or under the territory proposed to be
83 detached and that the district has no outstanding general
84 obligation bonds as of the time the petition is filed. The
85 petitioner shall be responsible for payment of the
86 reasonable costs of the district for providing such
87 verification.

88 6. Within sixty days from the filing of the petition
89 or thirty days from the filing of the district's
90 verification or thirty days from the filing of the election
91 authority's certificate, whichever is later, the court shall
92 set a public hearing date on the proposed detachment and the
93 clerk of the circuit court shall give notice of the filing
94 of the petition and the hearing in a newspaper of general
95 circulation in the county in which the proceedings are
96 pending. The notice shall contain a description of the
97 territory proposed to be detached, and shall set forth the
98 date fixed for the hearing on the petition, which shall not
99 be less than seven nor more than twenty-one days after the
100 date of the last publication of the notice and shall be set
101 on a regular judicial day of the court wherein the petition
102 is pending. Such notice shall include a statement that all
103 interested persons shall be given an opportunity to be heard
104 at the public hearing. Such notice shall be signed by the
105 clerk of the circuit court and shall be published in three
106 successive issues of a weekly newspaper or in a daily
107 newspaper once a week for three consecutive weeks.

108 7. At the public hearing, any interested person may
109 file with the court written objections to, or comments on,
110 and may be heard orally with respect to any issues set forth
111 in the notice. The court may hear all protests, objections,
112 comments, and other evidence presented at the hearing.

113 8. The court shall thereafter determine if the
114 petition satisfies the conditions set forth in subsection 1
115 of this section and whether the petitioners are entitled to
116 detachment under this section, or if the petition is
117 defective. If the court determines that the petition
118 satisfies the conditions set forth in subsection 1 of this
119 section as of the date the petition is filed, the
120 petitioners shall be entitled to detachment under this
121 section and the court shall enter an order detaching the
122 territory described in the petition from the district. The
123 court shall enter such order no later than the one hundred
124 twentieth day after the date on which the petition is
125 filed. The court may make any changes in subdistrict
126 boundary lines as may be necessary to meet the requirements
127 of sections 247.010 to 247.220. Any such changes in
128 subdistrict boundary lines shall not become effective until
129 the next annual election of a member of the board of
130 directors of the district.

131 9. If the court determines that the petition is
132 defective, it shall dismiss the petition without prejudice.
133 The petition shall not be considered defective based on the
134 fact that the district is a borrower under a federal loan
135 program.

136 10. The petitioner shall bear all costs of the
137 proceedings under this section.

138 11. A certified copy of the court's order detaching
139 the territory shall be filed in the office of the recorder
140 of deeds and in the office of the county clerk in each
141 county in which any of the territory of the district prior
142 to detachment is located, and in the office of the secretary
143 of state, and detachment under this section shall be

144 effective on the first date on which the certified copy of
145 the court's order is filed in each such office.

247.229. 1. If a public water supply district,
2 organized under the provisions set forth in sections 247.010
3 to 247.220, and pursuant to subsection 7 of this section,
4 has an outstanding debt owed to or guaranteed by the United
5 States government or any agency thereof, the board of
6 directors of such district shall accept any gift, donation,
7 or bequest of money made to the district for its use and
8 benefit, unless acceptance of the gift, donation, or bequest
9 would be in violation of current law, or the fulfillment of
10 the terms of the gift, donation, or bequest are in violation
11 of current law.

12 2. Except as otherwise expressly specified by the
13 donor in writing, any monetary gift, donation, or bequest
14 accepted by the board of directors pursuant to subsection 1
15 of this section, shall be applied first to the payment or
16 prepayment of any outstanding debt of the district that is
17 owed to or guaranteed by the United States government or any
18 agency thereof, until such debt is satisfied in full.

19 3. If the amount of any such monetary gift, donation,
20 or bequest exceeds the amount necessary to pay or prepay all
21 outstanding debt owed to or guaranteed by the United States
22 government or any agency thereof, the board of directors may
23 apply the excess funds as otherwise authorized by current
24 law.

25 4. If no such debt exists at the time the gift,
26 donation, or bequest is received, or if the donor has
27 expressly directed the application of the gift, donation, or
28 bequest to another purpose, the board of directors may apply
29 the funds as otherwise authorized by current law.

30 5. The board of directors shall maintain records of
31 all monetary gifts, donations, or bequests received and the
32 application thereof, and shall make such records available
33 for public inspection upon request.

34 6. Any person or entity may, at any time, tender
35 payment in full or in part of any outstanding debt of the
36 district that is owed to or guaranteed by the United States
37 government or any agency thereof, for the benefit of the
38 district. The board of directors shall take all actions
39 necessary to authorize and facilitate the acceptance and
40 application of any such payment to the indebtedness,
41 provided that the payment is made without condition,
42 restriction, or requirement for consideration or performance
43 by the district, other than the application of the payment
44 toward the indebtedness. The board of directors shall not
45 reverse, cancel, reject, or otherwise interfere with the
46 application of such payment to the debt obligation, and, if
47 required, shall obtain any United States approval necessary
48 for the application of such payment.

49 7. The provisions of this section shall only apply to
50 any public water supply district organized under the
51 provisions set forth in sections 247.010 to 247.220 that is
52 located in any county:

53 (1) With a charter form of government;

54 (2) Within the boundaries of which there are two or
55 more public water supply districts in existence on August
56 28, 2026, that are organized under the provisions of
57 sections 247.010 to 247.220; and

58 (3) Which is adjacent to a county adjoining a city not
59 located within a county.

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