

SECOND REGULAR SESSION

SENATE BILL NO. 1284

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

4723S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 247.220, RSMo, and to enact in lieu thereof one new section relating to public water supply districts.

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

Section A. Section 247.220, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 247.220,
3 to read as follows:

247.220. 1. Proceedings for the dissolution of a
2 public water supply district shall be substantially the same
3 as proceedings for the formation of such a district, as
4 follows: A petition describing the boundaries of the
5 district sought to be dissolved shall be filed with the
6 clerk of the circuit court of the county wherein the subject
7 district is situate, or with the clerk of the circuit court
8 of the county having the largest acreage within the
9 boundaries of the subject district, in the event that the
10 subject district embraces lands in more than one county.
11 Such petition, in addition to such boundary description,
12 shall allege that further operation of the subject district
13 is inimicable to the best interests of the inhabitants of
14 the district, that the district should, in the interest of
15 the public welfare and safety, be dissolved, that an
16 alternative water supplier is available and better able to
17 supply water to the inhabitants of the district, **that an**

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

18 **agreement for sale of the district's assets has been entered**
19 **into by the board of directors contingent upon approval of**
20 **the circuit court and voters,** and such other information as
21 may be useful to the court in determining whether the
22 petition should be granted and a decree of dissolution
23 entered. Such petition shall also include a detailed plan
24 for payment of all debt and obligations of the district at
25 the time of dissolution. Such petition shall be accompanied
26 by a cash deposit of fifty dollars as an advancement of the
27 costs of the proceeding and the petition shall be signed by
28 not less than one-fifth of the registered voters from each
29 subdistrict, or fifty registered voters from each
30 subdistrict, whichever is less, within the subject
31 district. The petition shall be verified by at least one of
32 the signers thereof and shall be served upon the board of
33 directors of the district as provided by law. The district
34 shall be a party, and if the board of directors in its
35 discretion determines that such dissolution is not in the
36 public interest, the district shall oppose such petition and
37 pay all cost and expense thereof.

38 2. Upon the filing of the petition, the same shall be
39 presented to the circuit court, and such court shall fix a
40 date for a hearing on such petition, as provided in this
41 section. Thereupon, the clerk of the court shall give
42 notice of the filing of the petition in some newspaper of
43 general circulation in the county in which the proceedings
44 are pending, and if the district extends into any other
45 county or counties, such notice shall also be published in
46 some newspaper of general circulation in such other county
47 or counties. The notice shall contain a description of the
48 subject boundary lines of the district and the general
49 purposes of the petition, and shall set forth the date fixed

50 for the hearing on the petition, which shall not be less
51 than seven nor more than twenty-one days after the date of
52 the last publication of the notice and shall be on some
53 regular judicial day of the court wherein the petition is
54 pending. Such notice shall be signed by the clerk of the
55 circuit court and shall be published in three successive
56 issues of a weekly newspaper or in twenty successive issues
57 of a daily newspaper.

58 3. The court, for good cause shown, may continue the
59 case or the hearing thereon from time to time until final
60 disposition thereof.

61 4. Exceptions to the dissolution of a district may be
62 made by any voter or landowner of the district, and by the
63 district as herein provided; such exceptions shall be filed
64 not less than five days prior to the date set for the
65 hearing on the petition. Such exceptions shall specify the
66 grounds upon which the exceptions are filed and the court
67 shall take them into consideration in passing upon the
68 petition and shall also consider the evidence in support of
69 the petition and in support of the exceptions made. Unless
70 petitioners prove that **there is an agreement for sale of the**
71 **district's assets entered into by the board of directors**
72 **that would permit** all debts and financial obligations of the
73 district [can] be paid in full upon dissolution **and provide**
74 **for the continuation of water supply to the inhabitants of**
75 **the district,** the petition shall be dismissed at the cost of
76 the petitioners.

77 5. Should the court find that it would not be to the
78 public interest to dissolve a district, the petition shall
79 be dismissed at the costs of the petitioners. If, however,
80 the court should find in favor of the petitioners, the court
81 shall enter its interlocutory decree of dissolution which

82 decree shall provide for the submission of the question to
83 the voters of the district in substantially the following
84 form:

85 Shall _____ Public Water Supply District be dissolved
86 **and its assets sold to _____ which shall thereafter be the**
87 **water supplier?**

88 6. The decree of dissolution shall not become final
89 and conclusive until it shall have been submitted to the
90 voters residing within the boundaries described in such
91 decree and until it shall have been assented to by a
92 majority of two-thirds of the voters of the district voting
93 on the proposition. **At their discretion, the board of**
94 **directors may approve a change in the vote threshold to a**
95 **majority of four-sevenths of the voters of the district**
96 **voting on the proposition.** The decree shall provide for the
97 submission of the question and shall fix the date thereof.
98 The returns shall be certified by the election authority to
99 the circuit court having jurisdiction in the case and the
100 court shall thereupon enter its order canvassing the returns
101 and declaring the result of such election.

102 7. If, upon canvass and declaration, it is found and
103 determined that the question shall have been assented to by
104 [a majority of two-thirds of the voters of the district
105 voting on such proposition] **the number of voters required**
106 **under subsection 6 of this section** then the court shall, in
107 such order declaring the result of the election, enter a
108 further order declaring the decree of dissolution to be
109 final and conclusive. In the event, however, that the court
110 should find that the question had not been assented to by
111 the majority required, the court shall enter a further order
112 declaring such decree of dissolution to be void and of no
113 effect. No appeal shall lie from any of the aforesaid

orders. In the event that the court declares the decree of dissolution to be final, as provided in this section, the clerk of the circuit court shall file certified copies of such decree of dissolution and of such final order with the secretary of state of the state of Missouri, and with the recorder of deeds of the county or counties in which the district is situate and with the clerk of the county commission of the county or counties in which the district is situate.

8. Notwithstanding anything in this section to the contrary, no district shall be dissolved until after all of its debts shall have been paid, and the court, in its decree of dissolution, shall provide for the disposition of the property of the district.

✓