

SECOND REGULAR SESSION

SENATE BILL NO. 601

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHEELER.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3549S.011

AN ACT

To repeal section 247.031, RSMo, and to enact in lieu thereof one new section relating to detachment of territories from a public water supply district.

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

Section A. Section 247.031, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 247.031, to read as follows:

247.031. 1. Territory included in a district that is not being served by
2 such district **or to which the district has not made service available**, may
3 be detached from such district provided that there are no outstanding [general
4 obligation or special obligation bonds] **loans** and no contractual obligations of
5 greater than twenty-five thousand dollars for debt that pertains to infrastructure,
6 fixed assets or obligations for the purchase of water. If any such [bonds] **loans**
7 or debt is outstanding, and the written consent of the holders of such [bonds]
8 **loans** or the creditors to such debt is obtained, then such territory may be
9 detached in spite of the existence of such [bonds] **loans** or debt, except such
10 consent shall not be required for special obligation bonds **as described in**
11 **section 247.130**, if the district has no water lines or other facilities located
12 within any of the territory detached **and cannot provide water lines to such**
13 **territory within three years after a request for service**. Detachment may
14 be made by the filing of a petition with the circuit court in which the district was
15 incorporated. The petition shall contain a description of the tract to be detached
16 and a statement that the detachment is in the best interest of the district or the
17 inhabitants and property owners of the territory to be detached, together with the
18 facts supporting such allegation. The petition may be submitted by the district
19 acting through its board of directors, in which case the petition shall be signed

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

20 by a majority of the board of directors of the district. The petition may also be
 21 submitted by voters residing in or by landowners owning land in the territory
 22 sought to be detached. If there are more than ten voters and landowners in such
 23 territory, the petition shall be signed by five or more voters or landowners within
 24 the territory; if there are less than ten voters and landowners within such
 25 territory, the petition shall be signed by fifty percent or more of the voters and
 26 landowners within the territory. In the event there are no voters living within
 27 such territory proposed to be detached, then the petition may be submitted by
 28 owners of more than fifty percent of the land in the territory proposed to be
 29 detached, in which case said petition shall be signed by the owners so submitting
 30 the petition. **If voters or landowners submit such petition, a copy thereof**
 31 **shall be served upon the district board of directors by personal service**
 32 **in the manner provided by law at least forty-five days before the**
 33 **hearing.**

34 2. Such petition shall be filed in the circuit court having jurisdiction and
 35 the court shall set a date for hearing on the proposed detachment and the clerk
 36 shall give notice thereof in three consecutive issues of a weekly newspaper in
 37 each county in which any portion of the territory proposed to be detached lies, or
 38 in lieu thereof, in twenty consecutive issues of a daily newspaper in each county
 39 in which any portion of the tract proposed to be detached lies; the last insertion
 40 of the notice to be made not less than seven nor more than twenty-one days before
 41 the hearing. Such notice shall be substantially as follows:

42 IN THE CIRCUIT COURT OF
 43 COUNTY, MISSOURI
 44 NOTICE OF THE FILING OF A PETITION FOR
 45 TERRITORIAL DETACHMENT FROM
 46 PUBLIC WATER SUPPLY DISTRICT NO.
 47 OF COUNTY, MISSOURI.

48 To all voters and landowners of land within the boundaries of the
 49 above-described district:

50 You are hereby notified:

51 1. That a petition has been filed in this court for the detachment of the
 52 following tracts of land from the above-named public water supply district, as
 53 provided by law:

54 (Describe tracts of land).

55 2. That a hearing on said petition will be held before this court on the

56 day of, 20..., at,m.

57 3. Exceptions or objections to the detachment of said tracts from said
58 public water supply district may be made by any voter or landowner of land
59 within the district from which territory is sought to be detached, provided such
60 exceptions or objections are in writing not less than five days prior to the date set
61 for hearing on the petition.

62 4. The names and addresses of the attorneys for the petitioner are:
63
64 Clerk of the Circuit Court of
65 County, Missouri

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

68 4. Exceptions or objections to the detachment of such territory may be
69 made by any voter or landowner within the boundaries of the district, including
70 the territory to be detached. The exceptions or objections shall be in writing and
71 shall specify the grounds upon which they are made and shall be filed not later
72 than five days before the date set for hearing the petition. If any such exceptions
73 or objections are filed, the court shall take them into consideration when
74 considering the petition for detachment and the evidence in support of
75 detachment. If the court finds that the detachment will be in the best interest
76 of the district and the inhabitants and landowners of the area to be detached will
77 not be adversely affected or if the court finds that the detachment will be in the
78 best interest of the inhabitants and landowners of the territory to be detached
79 and will not adversely affect the remainder of the district, it shall approve the
80 detachment and grant the petition.

81 5. If the court approves the detachment, it shall make its order detaching
82 the territory described in the petition from the remainder of the district, or in the
83 event it shall find that only a portion of said territory should be detached, the
84 court shall order such portion detached from the district. The court shall also
85 make any changes in subdistrict boundary lines it deems necessary to meet the
86 requirements of sections 247.010 to 247.220. Any subdistrict line changes shall
87 not become effective until the next annual election of a member of the board of
88 directors.

89 6. A certified copy of the court's order shall be filed in the office of the
90 recorder and in the office of the county clerk in each county in which any of the
91 territory of the district prior to detachment is located, and in the office of the

92 secretary of state. Costs of the proceeding shall be borne by the petitioner or
93 petitioners.

94 **7. A political subdivision, municipal corporation, private entity,**
95 **or a person shall not build, or otherwise construct, infrastructure or**
96 **other facilities within the territory of the district for the purpose of**
97 **providing water service to such territory until such time as a court**
98 **issues an order granting the detachment of such territory from the**
99 **district and all appeals have been exhausted.**

✓

Unofficial

Bill

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