

FIRST REGULAR SESSION

SENATE BILL NO. 365

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BROWN (26).

0311S.01H

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Section A. Section 247.220, RSMo, is repealed and one new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, and such
18 other information as may be useful to the court in

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

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

36 2. Upon the filing of the petition, the same shall be
37 presented to the circuit court, and such court shall fix a
38 date for a hearing on such petition, as provided in this
39 section. Thereupon, the clerk of the court shall give
40 notice of the filing of the petition in some newspaper of
41 general circulation in the county in which the proceedings
42 are pending, and if the district extends into any other
43 county or counties, such notice shall also be published in
44 some newspaper of general circulation in such other county
45 or counties. The notice shall contain a description of the
46 subject boundary lines of the district and the general
47 purposes of the petition, and shall set forth the date fixed
48 for the hearing on the petition, which shall not be less
49 than seven nor more than twenty-one days after the date of
50 the last publication of the notice and shall be on some

51 regular judicial day of the court wherein the petition is
52 pending. Such notice shall be signed by the clerk of the
53 circuit court and shall be published in three successive
54 issues of a weekly newspaper or in twenty successive issues
55 of a daily newspaper.

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

59 4. Exceptions to the dissolution of a district may be
60 made by any voter or landowner of the district, and by the
61 district as herein provided; such exceptions shall be filed
62 not less than five days prior to the date set for the
63 hearing on the petition. Such exceptions shall specify the
64 grounds upon which the exceptions are filed and the court
65 shall take them into consideration in passing upon the
66 petition and shall also consider the evidence in support of
67 the petition and in support of the exceptions made. Unless
68 petitioners prove that all debts and financial obligations
69 of the district can be paid in full upon dissolution, the
70 petition shall be dismissed at the cost of the petitioners.

71 5. Should the court find that it would not be to the
72 public interest to dissolve a district, the petition shall
73 be dismissed at the costs of the petitioners. If, however,
74 the court should find in favor of the petitioners, the court
75 shall enter its interlocutory decree of dissolution which
76 decree shall provide for the submission of the question to
77 the voters of the district in substantially the following
78 form:

79 Shall _____ Public Water Supply District
80 be dissolved?

81 6. The decree of dissolution shall not become final
82 and conclusive until it shall have been submitted to the

83 voters residing within the boundaries described in such
84 decree and until it shall have been assented to by a
85 majority of [~~two-thirds~~] **four-sevenths** of the voters of the
86 district voting on the proposition. The decree shall
87 provide for the submission of the question and shall fix the
88 date thereof. The returns shall be certified by the
89 election authority to the circuit court having jurisdiction
90 in the case and the court shall thereupon enter its order
91 canvassing the returns and declaring the result of such
92 election.

93 7. If, upon canvass and declaration, it is found and
94 determined that the question shall have been assented to by
95 a majority of [~~two-thirds~~] **four-sevenths** of the voters of
96 the district voting on such proposition then the court
97 shall, in such order declaring the result of the election,
98 enter a further order declaring the decree of dissolution to
99 be final and conclusive. In the event, however, that the
100 court should find that the question had not been assented to
101 by the majority required, the court shall enter a further
102 order declaring such decree of dissolution to be void and of
103 no effect. No appeal shall lie from any of the aforesaid
104 orders. In the event that the court declares the decree of
105 dissolution to be final, as provided in this section, the
106 clerk of the circuit court shall file certified copies of
107 such decree of dissolution and of such final order with the
108 secretary of state of the state of Missouri, and with the
109 recorder of deeds of the county or counties in which the
110 district is situate and with the clerk of the county
111 commission of the county or counties in which the district
112 is situate.

113 8. Notwithstanding anything in this section to the
114 contrary, no district shall be dissolved until after all of

115 its debts shall have been paid, and the court, in its decree
116 of dissolution, shall provide for the disposition of the
117 property of the district.

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