

SECOND REGULAR SESSION

HOUSE BILL NO. 2473

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WOOD.

Read 1st time March 27, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5557L.011

AN ACT

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

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Section A. Section 247.031, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 247.031, to read as follows: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 such district may be detached from such district provided that there are no outstanding general obligation or special obligation bonds and no contractual obligations of greater than twenty-five thousand dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of water. If any such bonds or debt is outstanding, and the written consent of the holders of such bonds or the creditors to such debt is obtained, then such territory may be detached in spite of the existence of such bonds or debt, except such consent shall not be required for special obligation bonds if the district has no water lines or other facilities located within any of the territory detached. Detachment may be made by the filing of a petition with the circuit court in which the district was incorporated. The petition shall contain a description of the tract to be detached and a statement that the detachment is in the best interest of the district or the inhabitants and property owners of the territory to be detached, together with the facts supporting such allegation. The petition may be submitted by the district acting through its board of directors, in which case the petition shall be signed by a majority of the board of directors of the district. The petition may also be submitted by voters residing in or by landowners owning land

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 in the territory sought to be detached. If there are more than ten voters and landowners in such
 17 territory, the petition shall be signed by five or more voters or landowners within the territory;
 18 if there are less than ten voters and landowners within such territory, the petition shall be signed
 19 by fifty percent or more of the voters and landowners within the territory. In the event there are
 20 no voters living within such territory proposed to be detached, then the petition may be submitted
 21 by owners of more than fifty percent of the land in the territory proposed to be detached, in
 22 which case said petition shall be signed by the owners so submitting the petition. **In the event**
 23 **the petition is not submitted by the district acting through its board of directors, the**
 24 **petitioner shall name the district as a defendant and a copy of the petition shall be served**
 25 **upon the district at least thirty-five days before the hearing of the petition.**

26 2. Such petition shall be filed in the circuit court having jurisdiction and the court shall
 27 set a date for hearing on the proposed detachment and the clerk **of the circuit court** shall give
 28 notice [thereof in three consecutive issues of a weekly newspaper in each county in which any
 29 portion of the territory proposed to be detached lies, or in lieu thereof, in twenty consecutive
 30 issues of a daily newspaper in each county in which any portion of the tract proposed to be
 31 detached lies;] **of the filing of the petition in a newspaper of general circulation in the**
 32 **county in which the proceedings are pending, with** the last insertion of the notice to be made
 33 not less than seven nor more than twenty-one days before the hearing. Such notice shall be
 34 substantially as follows:

35 IN THE CIRCUIT COURT OF
 36 COUNTY, MISSOURI
 37 NOTICE OF THE FILING OF A PETITION FOR
 38 TERRITORIAL DETACHMENT FROM
 39 PUBLIC WATER SUPPLY DISTRICT NO.
 40 OF COUNTY, MISSOURI.

41 To all voters and landowners of land within the boundaries of the above-described
 42 district:

43 You are hereby notified:

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

46 (Describe tracts of land).

47 2. That a hearing on said petition will be held before this court on the day of,
 48 20 ..., at,m.

49 3. Exceptions or objections to the detachment of said tracts from said public water
 50 supply district may be made by any voter or landowner of land within the district from which

51 territory is sought to be detached, provided such exceptions or objections are in writing not less
52 than five days prior to the date set for hearing on the petition.

53 4. The names and addresses of the attorneys for the petitioner are:

54
55 Clerk of the Circuit Court of
56 County, Missouri

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

59 4. Exceptions or objections to the detachment of such territory may be made by any voter
60 or landowner within the boundaries of the district, including the territory to be detached. **In the**
61 **event the petition is not submitted by the district acting through its board of directors, the**
62 **district may file exceptions or objections.** The exceptions or objections shall be in writing and
63 shall specify the grounds upon which they are made and shall be filed not later than five days
64 before the date set for hearing the petition. If any such exceptions or objections are filed, the
65 court shall take them into consideration when considering the petition for detachment and the
66 evidence in support of detachment. If the court finds that the detachment will be in the best
67 interest of the district and the inhabitants and landowners of the area to be detached will not be
68 adversely affected or if the court finds that the detachment will be in the best interest of the
69 inhabitants and landowners of the territory to be detached and will not adversely affect the
70 remainder of the district, it shall approve the detachment and grant the petition.

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

77 6. A certified copy of the court's order shall be filed in the office of the recorder **of deeds**
78 and in the office of the county clerk in each county in which any of the territory of the district
79 prior to detachment is located, and in the office of the secretary of state. Costs of the proceeding
80 shall be borne by the petitioner or petitioners.

