

FIRST REGULAR SESSION

# HOUSE BILL NO. 742

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WYATT (Sponsor) AND GUERNSEY (Co-sponsor).

1880L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 67, RSMo, by adding thereto five new sections relating to a county drinking water supply lake authority.

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

Section A. Chapter 67, RSMo, is amended by adding thereto five new sections, to be known as sections 67.4500, 67.4505, 67.4510, 67.4515, and 67.4520, to read as follows:

**67.4500. As used in sections 67.4500 to 67.4520, the following terms shall mean:**

(1) "Authority", any county drinking water supply lake authority created by sections 67.4500 to 67.4520;

(2) "Conservation storage level", the target elevation established for a drinking water supply lake at the time of design and construction of such lake;

(3) "Costs", the sum total of all reasonable or necessary expenses incidental to the acquisition, construction, expansion, repair, alteration, and improvement of the project, including without limitation the following: the expense of studies and surveys; the cost of all lands, properties, rights, easements, and franchises acquired; land title and mortgage guaranty policies; architectural and engineering services; legal, organizational marketing, or other special services; provisions for working capital; reserves for principal and interest; and all other necessary and incidental expenses, including interest during construction on bonds issued to finance the project and for a period subsequent to the estimated date of completion of the project;

(4) "Project", recreation and tourist facilities and services, including, but not limited to, lakes, parks, recreation centers, restaurants, hunting and fishing reserves, historic sites and attractions, and any other facilities that the authority may desire to

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.

18 undertake, including the related infrastructure buildings and the usual and convenient  
19 facilities appertaining to any undertakings, and any extensions or improvements of any  
20 facilities, and the acquisition of any property necessary therefore, all as may be related to  
21 the development of a water supply source, recreational and tourist accommodations, and  
22 facilities;

23 (5) "Water commission", a water commission owning a reservoir formed under  
24 sections 393.700 to 393.770;

25 (6) "Watershed", the area that contributes or may contribute to the surface water  
26 of any lake as determined by the authority.

67.4505. 1. There is hereby created within any county of the third classification  
2 with a township form of government and with more than seven thousand two hundred but  
3 fewer than seven thousand three hundred inhabitants a county drinking water supply lake  
4 authority, which shall be a body corporate and politic and a political subdivision of this  
5 state.

6 2. The authority may exercise the powers provided to it under section 67.4520 over  
7 the reservoir area encompassing any drinking water supply lake of one thousand five  
8 hundred acres or more, as measured at its conservation storage level, and within the lake's  
9 watershed.

10 3. It shall be the purpose of each authority to promote the general welfare and a  
11 safe drinking water supply through the construction, operation, and maintenance of a  
12 drinking water supply lake.

13 4. The income of the authority and all property at any time owned by the authority  
14 shall be exempt from all taxation or any assessments whatsoever to the state or of any  
15 political subdivision, municipality, or other governmental agency thereof.

16 5. No county in which an authority is organized shall be held liable in connection  
17 with the construction, operation, or maintenance of any project or program undertaken  
18 under sections 67.4500 to 67.4520, including any actions taken by the authority in  
19 connection with such project or program.

67.4510. A county drinking water supply lake authority shall consist of at least six  
2 but not more than thirty members, appointed as follows:

3 (1) Members of the water commission shall appoint all members to the authority,  
4 one-third of the initial members for a six-year term, one-third for a four-year term, and  
5 the remaining one-third for a two-year term, until a successor is appointed; provided that,  
6 if there is an odd number of members, the last person appointed shall serve a two-year  
7 term. Upon the expiration of each term, a successor shall be appointed for a six-year term;

8           (2) No person shall be appointed to serve on the authority unless he or she is a  
9 registered voter in the state for more than five years, a resident in the county where the  
10 water commission is located for more than five years, and over the age of twenty-five years.  
11 If any member moves outside such county, the seat shall be deemed vacant and a new  
12 member shall be appointed by the county commission to complete the unexpired term.

2           **67.4515. 1.** The water commission shall by resolution establish a date and time for  
the initial meeting of the authority.

3           **2.** At the initial meeting, and annually thereafter, the authority shall elect one of its  
4 members as chairman and one as vice chairman, and appoint a secretary and a treasurer  
5 who may be a member of the authority. If not a member of the authority, the secretary or  
6 treasurer shall receive compensation that shall be fixed from time to time by action of the  
7 authority. The authority may appoint an executive director who shall not be a member of  
8 the authority and who shall serve at its pleasure. If an executive director is appointed, he  
9 or she shall receive such compensation as shall be fixed from time to time by action of the  
10 authority. The authority may designate the secretary to act in lieu of the executive  
11 director. The secretary shall keep a record of the proceedings of the authority and shall  
12 be the custodian of all books, documents, and papers filed with the authority, the minute  
13 books or journal thereof, and its official seal. The secretary may cause copies to be made  
14 of all minutes and other records and documents of the authority and may give certificates  
15 under the official seal of the authority to the effect that the copies are true and correct  
16 copies, and all persons dealing with the authority may rely on such certificates. The  
17 authority, by resolution duly adopted, shall fix the powers and duties of its executive  
18 director as it may from time to time deem proper and necessary.

19           **3.** Each member of the authority shall execute a surety bond in the penal sum of  
20 fifty thousand dollars or, in lieu thereof, the chairman of the authority shall execute a  
21 blanket bond covering each member and the employees or other officers of the authority,  
22 each surety bond to be conditioned upon the faithful performance of the duties of the office  
23 or offices covered, to be executed by a surety company authorized to transact business in  
24 the state as surety, and to be approved by the attorney general and filed in the office of the  
25 secretary of state. The cost of each such bond shall be paid by the authority.

26           **4.** No authority member shall participate in any deliberations or decisions  
27 concerning issues where the authority member has a direct financial interest in contracts,  
28 property, supplies, services, facilities, or equipment purchased, sold, or leased by the  
29 authority. Authority members shall additionally be subject to the limitations regarding the  
30 conduct of public officials as provided in chapter 105.

**67.4520. 1.** The authority may:

- 2           (1) Acquire, own, construct, lease, and maintain recreational or water quality  
3 projects;
- 4           (2) Acquire, own, lease, sell, or otherwise dispose of interests in and to real property  
5 and improvements situated thereon and in personal property necessary to fulfill the  
6 purposes of the authority;
- 7           (3) Contract and be contracted with, and to sue and be sued;
- 8           (4) Accept gifts, grants, loans, or contributions from the federal government, the  
9 state of Missouri, political subdivisions, municipalities, foundations, other public or private  
10 agencies, individuals, partnerships, or corporations;
- 11          (5) Employ such managerial, engineering, legal, technical, clerical, accounting,  
12 advertising, stenographic, and other assistance as it may deem advisable. The authority  
13 may also contract with independent contractors for any of the foregoing assistance;
- 14          (6) Disburse funds for its lawful activities and fix salaries and wages of its  
15 employees;
- 16          (7) Fix rates, fees, and charges for the use of any projects and property owned,  
17 leased, operated, or managed by the authority;
- 18          (8) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the  
19 manner in which its business may be transacted; however, said bylaws, rules, and  
20 regulations shall not exceed the powers granted to the authority by sections 67.4500 to  
21 67.4520;
- 22          (9) Either jointly with a similar body, or separately, recommend to the proper  
23 departments of the government of the United States, or any state or subdivision thereof,  
24 or to any other body, the carrying out of any public improvement;
- 25          (10) Provide for membership in any official, industrial, commercial, or trade  
26 association, or any other organization concerned with such purposes, for receptions of  
27 officials or others as may contribute to the advancement of the authority and development  
28 therein, and for such other public relations activities as will promote the same, and such  
29 activities shall be considered a public purpose;
- 30          (11) Cooperate with municipalities and other political subdivisions as provided in  
31 chapter 70;
- 32          (12) Enter into any agreement with any other state, agency, authority, commission,  
33 municipality, person, corporation, or the United States, to effect any of the provisions  
34 contained in sections 67.4500 to 67.4520;
- 35          (13) Sell and supply water and construct, own, and operate infrastructure projects  
36 in areas within its jurisdiction, including but not limited to roads, bridges, water and sewer  
37 systems, and other infrastructure improvements;

38           **(14) Issue revenue bonds in the same manner as provided under section 67.789; and**

39           **(15) Adopt tax increment financing within its boundaries in the same manner as**  
40 **provided under section 67.790.**

41           **2. The state or any political subdivision or municipal corporation thereof may in**  
42 **its discretion, with or without consideration, transfer or cause to be transferred to the**  
43 **authority or may place in its possession or control, by deed, lease, or other contract or**  
44 **agreement, either for a limited period or in fee, any property wherever situated.**

45           **3. The state or any political subdivision may appropriate, allocate, and expend such**  
46 **funds of the state or political subdivision for the benefit of the authority as are reasonable**  
47 **and necessary to carry out the provisions of sections 67.4500 to 67.4520.**

48           **4. The authority may exercise the power of eminent domain under chapter 523. If**  
49 **the authority exercises such power, condemnation proceedings shall be maintained by and**  
50 **in the name of the authority, and it may proceed in the manner provided by the laws of this**  
51 **state for any municipality. The authority shall not exercise such power of eminent domain**  
52 **in any area which lies more than three hundred feet beyond the probable maximum flood**  
53 **level of any lake, except for the purpose of establishing parks or recreational facilities or**  
54 **constructing roads, parking facilities or parkways, bridges, water and sewer systems, and**  
55 **other infrastructure improvements. For purposes of this section, "probable maximum**  
56 **flood level" means the potential flood level as determined by a nationally recognized**  
57 **engineering firm utilizing current probable maximum precipitation figures as determined**  
58 **by the United States Weather Service.**

59           **5. The authority is authorized to contract for or to provide for and maintain a**  
60 **security force with respect to any project or other property owned, leased, operated, or**  
61 **under the control of the authority and within the territory thereof. A member of such**  
62 **force shall be certified as a peace officer under chapter 590 and, as such, shall have**  
63 **authority equivalent to the authority of a law enforcement officer of the county in which**  
64 **the officer is discharging his or her duties.**

65           **6. The authority shall have the authority to exercise all zoning and planning powers**  
66 **that are granted to cities, towns, and villages under chapter 89, except that the authority**  
67 **shall not exercise such powers inside the corporate limits of any city, town, or village which**  
68 **has adopted a city plan under the laws of this state before August 28, 2011.**