

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 2180

98TH GENERAL ASSEMBLY

5764H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 233.295, RSMo, and to enact in lieu thereof two new sections relating to county road districts.

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

Section A. Section 233.295, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 233.295 and 233.600, to read as follows:

233.295. 1. Whenever a petition, signed by the owners of a majority of the acres of land, within a road district organized under the provisions of sections 233.170 to 233.315 shall be filed with the county commission of any county in which such district is situated, setting forth the name of the district and the number of acres owned by each signer of such petition and the whole number of acres in such district, the county commission shall have power, if in its opinion the public good will be thereby advanced, to disincorporate such road district. No such road district shall be disincorporated until notice is published in at least one newspaper of general circulation in the county where the district is situated for four weeks successively prior to the hearing of such petition.

2. In any county with a population of at least thirty-two thousand inhabitants which adjoins a county of the first classification which contains a city with a population of one hundred thousand or more inhabitants that adjoins no other county of the first classification, whenever a petition signed by at least fifty registered voters residing within the district organized under the provisions of sections 233.170 to 233.315 is filed with the county clerk of the county in which the district is situated, setting forth the name of the district and requesting the disincorporation of such district, the county clerk shall certify for election the following question to be voted upon by the eligible voters of the district:

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 Shall the incorporated road district organized under the provisions
19 of sections 233.170 to 233.315, RSMo, be dissolved?

20 YES NO

21 If a majority of the persons voting on the question are in favor of the proposition, then the county
22 commission shall disincorporate the road district.

23 3. The petition filed pursuant to subsection 2 of this section shall be submitted to the
24 clerk of the county no later than eight weeks prior to the next countywide election at which the
25 question will be voted upon.

26 4. Notwithstanding other provisions of this section to the contrary, in any county of the
27 first classification with more than one hundred four thousand six hundred but less than one
28 hundred four thousand seven hundred inhabitants, any petition to disincorporate a road district
29 organized under sections 233.170 to 233.315 shall be presented to the county commission or
30 similar authority. The petition shall be signed by the lesser of fifty or a majority of the registered
31 voters residing within the district, shall state the name of the district, and shall request the
32 disincorporation of the district. If a petition is submitted as authorized in this section, and it is
33 the opinion of the county commission that the public good will be advanced by the
34 disincorporation after providing notice and a hearing as required in this section, then the county
35 commission shall disincorporate the road district. This subsection shall not apply to any road
36 district located in two counties.

37 5. Notwithstanding other provisions of this section to the contrary, in any county of the
38 third classification without a township form of government and with more than thirty-four
39 thousand but fewer than thirty-four thousand one hundred inhabitants, any petition to
40 disincorporate a road district organized under sections 233.170 to 233.315 shall be presented to
41 the county commission or similar authority. The petition shall be signed by the lesser of fifty or
42 a majority of the registered voters residing within the district, shall state the name of the district,
43 and shall request the disincorporation of the district. If a petition is submitted as authorized in
44 this section, and it is the opinion of the county commission that the public good will be advanced
45 by the disincorporation after providing notice and a hearing as required in this section, then the
46 county commission shall disincorporate the road district. This subsection shall not apply to any
47 road district located in two counties.

48 6. Notwithstanding other provisions of this section to the contrary, in any county of the
49 second classification with more than fifty-four thousand two hundred but fewer than fifty-four
50 thousand three hundred inhabitants, any petition to disincorporate a road district organized under
51 sections 233.170 to 233.315 shall be presented to the county commission or similar authority.
52 The petition shall be signed by the lesser of fifty or a majority of the registered voters residing
53 within the district, shall state the name of the district, and shall request the disincorporation of

54 the district. If a petition is submitted as authorized in this section, and it is the opinion of the
55 county commission that the public good will be advanced by the disincorporation after providing
56 notice and a hearing as required in this section, then the county commission shall disincorporate
57 the road district. This subsection shall not apply to any road district located in two counties.

58 7. Notwithstanding other provisions of this section to the contrary, in any county, any
59 petition to disincorporate a road district organized under sections 233.170 to 233.315 shall be
60 presented to the county commission or similar authority. The petition shall be signed by the
61 lesser of fifty or a majority of the registered voters residing within the district, shall state the
62 name of the district, and shall request the disincorporation of the district. If a petition is
63 submitted as authorized in this section, and it is the opinion of the county commission that the
64 public good will be advanced by the disincorporation after providing notice and a hearing as
65 required in this section, then the county commission shall disincorporate the road district. This
66 subsection shall not apply to any road district located in two counties.

67 8. Notwithstanding other provisions of this section to the contrary, in any county, a
68 petition to disincorporate a road district located in two counties organized under sections 233.170
69 to 233.315 shall be presented to the county commission or similar authority in each county in
70 which the road district is located. Each petition shall be signed by the lesser of fifty or a majority
71 of the registered voters residing within the district and county, shall state the name of the district,
72 and shall request the disincorporation of the district. If a petition is submitted as authorized in
73 this section, and it is the opinion of the county commission in each county in which the road
74 district is located that the public good will be advanced by the disincorporation after providing
75 notice and a hearing as required in this section, then the county commission in each county in
76 which the road district is located shall disincorporate the road district. A road district located
77 in two counties shall not be disincorporated until it is disincorporated in each county in which
78 it is located.

79 **9. The county commission or similar authority shall have the power to combine two**
80 **or more road districts organized under sections 233.170 to 233.315 upon request by a**
81 **petition signed by a majority of the commissioners in each of the road districts seeking to**
82 **be combined.**

83 **10. The petition presented to the county commission or similar authority shall set**
84 **forth the request that the road districts desire to be consolidated and shall set forth the**
85 **proposed name of the new road district. If a petition is submitted as authorized in this**
86 **section, then the county commission or similar authority shall hold a public hearing at a**
87 **place and time it designates after it has published notice of the hearing for four consecutive**
88 **weeks in a newspaper of general circulation in the county.**

89 **11. After such hearing, if it is the opinion of the county commission that the public**
90 **good will be advanced by the consolidation of the districts, then the county commission or**
91 **similar authority shall issue its order consolidating the districts and in its order set the**
92 **effective date of the consolidation.**

93 **12. Upon consolidation, the county commission or similar authority shall appoint**
94 **the three initial commissioners of the consolidated district, one for a term of one year, one**
95 **for a term of two years, and one for a term of three years.**

96 **13. Upon consolidation, all assets and liabilities of the combined districts shall vest**
97 **in the new consolidated district. In the event the tax levies of the combined districts are**
98 **different, then the initial tax levy for the consolidated district shall be the lower of the**
99 **districts which were combined until changed as provided by statute.**

100 **14. The county commission or similar authority shall have the power to make**
101 **deeds, bills of sale, or other instruments transferring the assets of the districts combined**
102 **to the new consolidated district and shall have all other powers necessary to effectuate the**
103 **consolidation and transfer of all assets and liabilities to the consolidated road district.**

104 **15. The provision of subsections 9 to 15 of this section shall not apply to any road**
105 **district located in two counties.**

233.600. The state auditor shall have the authority to audit any special road district
2 **created under chapter 233 in the same manner as the auditor may audit any agency of the**
3 **state.**

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