

*Missouri*  
**Revisor of Statutes**

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**246.005. Extension of time of corporate existence — reinstatement period for certain districts.** — 1. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections [242.010 to 242.690](#) or sections [245.010 to 245.280](#) which has, prior to April 8, 1994, been granted an extension of the time of corporate existence by the circuit court having jurisdiction, shall be deemed to have fully complied with all provisions of law relating to such extensions, including the time within which application for the extension must be made, unless, for good cause shown, the circuit court shall set aside such extension within ninety days after April 8, 1994.

2. Notwithstanding any other provision of law, any drainage district, any levee district, or any drainage and levee district organized under the provisions of sections [242.010 to 242.690](#) or sections [245.010 to 245.280](#) shall have ten years after the lapse of the corporate charter in which to reinstate and extend the time of the corporate existence by the circuit court having jurisdiction, and such circuit court judgment entry and order shall be deemed to have fully complied with all provisions of law relating to such extensions.

(L. 1978 H.B. 1599 § 1, A.L. 1994 S.B. 600, A.L. 2005 H.B. 58 merged with H.B. 563 merged with S.B. 355, A.L. 2007 S.B. 22)

8/28/2007

**246.010. Formation of subdistricts.** — Subdrainage and levee districts may be formed of lands in main districts organized in Missouri under any existing or future law, by the owners thereof for the purpose of obtaining and providing local or more complete drainage and protection for such lands; such subdistricts to be formed and administered in the same manner as is provided by statute for the formation and administration of main districts; provided, that lands in main districts may be united with swamp or overflowed lands, either within or without other districts in the formation of new districts for the purpose of securing more complete relief or protection for land.

(RSMo 1939 § 12473)

Prior revisions: 1929 § 10883; 1919 § 4578

8/28/1939

**246.020. Officers and witnesses, compensation for services.** — That it is understood that the ordinary fee statute does not apply to services rendered by any county or township officer or witness in the organization, incorporation or administration of any drainage or levee districts heretofore organized, in process of organization at the time of passage of this section, or that hereafter may be organized under any general or special law of Missouri permitting the organization of drainage or levee districts, but that such officer or witness, except as is otherwise provided for in sections [246.030](#) to [246.050](#), shall receive only a reasonable compensation to be fixed by the courts for services actually rendered, that petitioners for formation or incorporation of drainage and levee districts and the officers of such districts after the same have been organized may prepare, write or print all copies of petitions, writs, orders and decrees of courts and other papers pertaining to such districts and furnish the same to the county and circuit clerks or other officers for their use, and in such event such officer shall be entitled to only a reasonable compensation for services actually rendered the districts in issuing such writs and copies of decrees, orders or other papers.

(RSMo 1939 § 12468)

Prior revisions: 1929 § 10878; 1919 § 4573

8/28/1939



**246.030. Fees of county and circuit clerks.** — The county and circuit clerks, except as limited in section [246.020](#) and otherwise specified in statutes governing the organization and administration of drainage and levee districts, shall receive (in addition to the fees and deputy hire allowed by law) for filing each paper relating to a drainage or levee district, five cents; for issuing each subpoena, summons or notice, and for approving and filing each bond, twenty-five cents; for recording or copying each one hundred words and numbers, eight cents, any number consisting of more than three figures to be considered as two numbers. The fees of the sheriffs and witnesses shall be the same as allowed in section [246.020](#).

(RSMo 1939 § 12469)

Prior revisions: 1929 § 10879; 1919 § 4574

8/28/1939

**246.050. Fees of county treasurer.** — County treasurers for receiving, receipting for, preserving and paying out funds of drainage and levee districts, shall receive one percent of sums paid out.

(RSMo 1939 § 12471)

Prior revisions: 1929 § 10881; 1919 § 45764

8/28/1939

**246.060. County warrant laws apply to district warrants.** — The law of this state, under which county warrants are issued, sold, transferred, assigned, presented for payment, and paid, shall apply to all warrants issued by any drainage or levee districts in Missouri organized under any existing, special or future law of this state.

(RSMo 1939 § 12474)

Prior revisions: 1929 § 10884; 1919 § 4579

8/28/1939



**246.063. Reduction or cancellation of assessed benefits where improvement nullifies benefits, procedure.** — 1. Whenever any lands within a levee or drainage district organized under the laws of this state are so situated that subsequent improvements constructed within the district either by the district or by some other agency partially or wholly nullify the benefits accruing from improvements previously constructed by the district and for which benefits were assessed against the lands, the owner or owners may file a petition with the clerk of the court or county commission by which the district was organized setting out such facts with particularity and requesting that the benefits assessed against the lands for such previously constructed improvements be reduced for the purpose of making a more equitable basis for the levy of the maintenance tax, or that they be cancelled. In districts organized in the circuit court, the circuit clerk shall cause notice of the filing and hearing of the petition to reduce or cancel the assessed benefits to be served upon the president and secretary of the district at least thirty days prior to the hearing date. In districts organized in the county commission, the county commission, in its discretion, may order that notice of the filing and hearing of the petition be given to persons interested in the lands and property included within the district by publication or otherwise.

2. Upon hearing of the petition the court or county commission may reduce or cancel the assessed benefits or may deny the petition as it deems just. All costs of the hearing shall be borne by the petitioners whether they be successful or not. If the court

or commission reduces or cancels the benefits assessed against the lands, thereafter the annual maintenance tax which may be levied shall apply to the benefits as reduced or cancelled.

3. No assessed benefits shall be reduced or cancelled under the provisions of this section while the district has outstanding bond obligations.

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(L. 1959 S.B. 213 § 1)

8/28/1959

**246.067. Cancellation of benefits against lands divided into city lots, when.** — When any lands, included in a drainage district or levee district organized under the laws of this state, are now or hereafter divided into lots in an incorporated city, town, or village, the county commission in the case of a county commission district organization, or the circuit court in which a district was organized in the case of a circuit court district organization, if in the opinion of said court or county commission the expense of extending and collecting the taxes levied on said lots make such extension and collection uneconomical, may by order of record cancel the benefits assessed against said lands, so that after such cancellation said lands will not be liable for drainage or levee taxes in such district; provided, however, no such benefits shall be cancelled while the district has outstanding unpaid bond obligations; provided, however, this section shall not be applicable to a drainage or levee district organized and existing wholly within a city or town of this state.

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(L. 1959 S.B. 187 § 1)

8/28/1959

**246.070. Drainage or levee districts may issue tax anticipation warrants, procedure.** — 1. Whenever authorized by the owners of two-thirds of the acreage in any drainage or levee district heretofore or hereafter organized or reorganized under any of the drainage or levee laws of this state at a meeting called for the purpose and in the manner set out in section [246.090](#), by ballot wherein each acre owner shall be entitled to one vote, the board of supervisors may issue tax anticipation warrants bearing not to exceed six percent interest per annum, which shall be payable from one to not exceeding four years from date of issuance, both interest and principal payable out of the maintenance fund of the district.

\*2. In addition to the procedure provided in subsection 1 of this section, the board of supervisors of a levee or drainage district in a county which has been declared a disaster area by declaration of the President of the United States during 1993 or 1995, may elect to issue tax anticipation notes following a public meeting for which notice

has been given of at least two weeks in a newspaper meeting the requirements of subsection 2 of section 246.090, and after vote of the landowners of the district. Notwithstanding the provisions of subsection 2 of section 246.090 to the contrary, the board may issue the notes following a vote of at least two-thirds of the votes cast by landowners present at the public meeting in favor of issuing the notes. The notes may be issued by the board bearing an interest rate not to exceed six percent per annum, which shall be payable from one to not more than four years from the date of issuance.

\*3. In addition to the procedures provided in subsections 1 and 2 of this section, the board of supervisors of any levee or drainage district in a county in this state which has been declared a disaster area by declaration of the President of the United States during 1993 or 1995, may upon a vote of the majority of the members of the board at a public meeting of which public notice has been given of at least two weeks, borrow funds for the use of the district and may issue negotiable notes in evidence thereof, payable out of anticipated revenues to be derived from assessments, benefits or other levee or drainage district revenues, for any year or immediately following year in which the notes are issued. The notes may be issued at any time and from time to time, and shall be issued according to law unless otherwise provided in this section. Notes issued pursuant to this subsection shall be issued by the board bearing an interest rate not to exceed six percent per annum, which shall be payable from one year from the date of issuance. A separate note shall be issued to evidence the borrowing for the benefit of the district and, if applicable, any funds of the district. All revenues raised by levee districts or drainage districts shall not be considered as taxes pursuant to the laws of this state.

4. Notwithstanding the provisions of section 246.080 or other statutory provisions regarding the issuance of tax anticipation notes to the contrary, the aggregate outstanding principal amount of the notes issued under the provisions of subsection 2 or 3 of this section in any period subject to this section for the use of the levee or drainage district may be up to but shall not exceed the amount necessary to repair levees damaged by a natural disaster that occurred in 1993 or 1995, including but not limited to the amount necessary to secure federal matching funds for the levee or drainage district. No amount of tax anticipation notes issued by a levee or drainage district shall be included in any debt ceiling computation required by current law except that the district may not issue more than the amount necessary to repair levees damaged by a natural disaster that occurred in 1993 or 1995, including but not limited to the amount necessary to secure federal matching funds for the levee or drainage district.

5. The clerk or secretary of the board, or if none, the presiding officer of the board, shall certify on the back of each note that the note is issued pursuant to authority granted in this section, and list the aggregate principal amount of all prior notes issued against the district which are unpaid at the date of the note's issuance.

6. Authority to issue notes pursuant to subsection 2 or 3 of this section shall terminate January 1, 1998.

(RSMo 1939 § 12613, A.L. 1953 p. 541, A.L. 1993 1st Ex. Sess. S.B. 3, A.L. 1996 S.B. 671)

Prior revision: 1929 § 11024

Effective 2-13-96

\*Authority to issue notes terminates 1-1-98.

2/13/1996



**246.080. Limitation on tax anticipation warrants.** — Tax anticipation warrants may be issued and sold or exchanged for or in payment of machinery, draglines, equipment or work used in maintenance and chargeable to maintenance; provided, that in no event shall the tax anticipation warrants so issued, together with interest thereon, exceed two and one-half percent of the assessed benefits for any year falling due.

(RSMo 1939 § 12614)

Prior revision: 1929 § 11025

8/28/1939

**246.090. Form of notice of meeting.** — 1. Whenever the board of supervisors at a regular or special meeting deems it expedient and necessary for the best interest of the district that tax anticipation warrants be issued for the purposes stated in section [246.080](#), they shall enter in the minutes of the meeting an order setting forth the expediency and necessity directing the secretary to draw up a notice which shall be substantially in the following form:

Notice to landowners in \_\_\_\_\_ drainage district. All landowners in \_\_\_\_\_ drainage district are hereby notified that a meeting of such will be held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, \_\_\_\_\_ o'clock, at \_\_\_\_\_ for the purpose of voting on the proposition of authorizing the board of supervisors to issue tax anticipation warrants, bearing \_\_\_\_\_ percent interest. The warrants to be used for the purpose of \_\_\_\_\_ for \_\_\_\_\_ dollars, payable as follows: \_\_\_\_\_

By order of the board of supervisors.

\_\_\_\_\_  
Secretary.

2. The secretary shall cause the notice to be published by three weekly insertions in some newspaper in the county containing the district or the greatest portion thereof, or in some adjoining county if none in containing county, the last insertion to be not less than ten days before the date set. The publisher shall file proof of publication with the secretary before the day set for meeting. Upon filing of the proof by the secretary, the notice shall be conclusively deemed sufficient and legal notice of publication thereof. At the day set each landowner may cast one vote for each acre or fraction thereof owned by him for or against the proposition of issuing the warrants as set out in the notice. If two-thirds of the acres in the district are voted for the proposition, then the tellers shall so certify to the board, and the board shall make an order to the secretary to duly enter the results in the records of the district. Thereafter the board shall proceed to issue the authorized tax anticipation warrants as authorized.

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(RSMo 1939 § 12615, A.L. 1961 p. 463)

Prior revision: 1929 § 11026

8/28/1961

**246.100. Tax anticipation warrants, contents.** — The board shall issue the tax anticipation warrants as authorized by order of the board, setting out the amounts, denomination, numbers, interest rate, the proceedings authorizing its action and embodying therein the amounts falling due each year, together with interest thereon.

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(RSMo 1939 § 12616)

Prior revision: 1929 § 11027

8/28/1939



**246.110. Form of tax anticipation warrants.** — Upon making of the order provided for in section [246.100](#), it shall be the duty of the secretary to have printed tax anticipation warrants, with an interest coupon attached for each year same shall run, which shall be in the following form:

TAX ANTICIPATION WARRANT.

\$ \_\_\_\_\_ district No. \_\_\_\_\_ County \_\_\_\_\_ state of Missouri, Issued  
\_\_\_\_\_ Due \_\_\_\_\_.

The treasurer of \_\_\_\_\_ district will pay at maturity, of the sum of \_\_\_\_\_

dollars and will pay at maturity of attached interest coupons, the amount of interest called for thereon, to \_\_\_\_\_ or the legal holder hereof, out of the maintenance fund of the district, upon due and proper endorsement and presentment.

(Seal) \_\_\_\_\_ district.  
\_\_\_\_\_  
President.

\_\_\_\_\_  
Secretary.

Interest \_\_\_\_\_ Interest Coupon No. \_\_\_\_\_  
\$ \_\_\_\_\_

Tax anticipation warrant No. \_\_\_\_\_  
Principal amount \$ \_\_\_\_\_ issued \_\_\_\_\_, 20 \_\_\_\_\_.

Interest coupon due \_\_\_\_\_, 20 \_\_\_\_\_, at rate of \_\_\_\_\_ percent.

The treasurer of \_\_\_\_\_ district will pay to \_\_\_\_\_ or the legal holder of the tax anticipation warrant, upon due endorsement and presentment of this coupon, the sum of \_\_\_\_\_ dollars, out of the maintenance fund of the district.

(Seal) \_\_\_\_\_ district.  
\_\_\_\_\_  
President.

\_\_\_\_\_  
Secretary.

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(RSMo 1939 § 12617)

Prior revision: 1929 § 11028

8/28/1939

**246.120. Secretary to keep record of warrants issued.** — Said tax anticipation warrants shall be delivered to the payee or payees for the purposes enumerated herein, by an order of the board, in total or in part as necessary, and an appropriate record thereof kept by the secretary and a duly certified copy thereof by him delivered to the treasurer, who shall pay without further order of the board, upon due endorsement and presentment by the record holder thereof or said holder's legal transferee upon satisfactory proof being made to the treasurer thereof the said tax anticipation warrants and interest coupons as due, out of any maintenance fund of the district; provided, that in the event there is not sufficient funds to pay all or a part of such tax anticipation warrants and interest coupons upon presentment, and treasurer shall so

note and said indebtedness shall bear interest at the rate of six percent per annum from time of such presentment and notation until paid.

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(RSMo 1939 § 12618)

Prior revision: 1929 § 11029

8/28/1939

**246.130. Board to levy maintenance tax to pay warrants.** — It shall be the duty of the board to levy a maintenance tax each year sufficient to pay such tax anticipation warrants and interest thereon, and an additional ten percent for emergencies and delinquent collections, in addition to the regular maintenance tax. All such levies shall be extended and collected as by law provided for the levy and collection of maintenance taxes.

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(RSMo 1939 § 12619, A.L. 1994 S.B. 633)

Prior revision: 1929 § 11030

Effective 7-12-94

7/12/1994



**246.140. District authorized to buy lands.** — 1. Drainage or levee districts heretofore or hereafter incorporated under any of the drainage or levee laws of this state where lands are offered for sale for their own taxes or assessments due thereon, shall be and are hereby authorized to buy such lands at not to exceed the amount of such taxes, assessments, interest, penalties and costs. If such bid is the highest bid, the sheriff shall convey such lands to such district and they shall thereupon become the property of such district and may be held, disposed of, sold or conveyed by such district at such price and on such terms as may be determined by it to be to the best interest of such district, either free from or subject to all taxes or assessments or any part thereof due such district at the time of such resale; but such lands shall remain subject to all drainage or levee taxes, assessments or installments thereof becoming due after such resale; and the terms of resale may include the postponing by such district of one or more of the subsequent installments of the tax or assessment for such time, as may be agreed upon not exceeding three years; provided, however, that nothing herein contained shall be construed as in any manner, enlarging or extending the now existing powers of any district to levy or assess any additional tax or assessment upon lands and other property situate in any such district by reason of the

release of or postponement of any taxes or assessments upon any lands or other property sold for delinquent taxes or assessments.

2. Deeds or other conveyances made by such district shall be in such form and executed by such officers and in such manner as shall be determined by the governing body of such district.

3. Where the same land is subject to the lien of taxes or assessments of more than one district, such lands may, by agreement between such districts, be purchased at foreclosure sale by any such district in trust for all such districts. The interest of each district in lands purchased pursuant to such agreement, shall be at any given time in proportion to the total of the taxes or assessments due the respective districts at such time; provided, however, that the rights of any district failing, refusing or neglecting to enter into such agreement shall be determined and fixed by the district or districts entering such agreement or purchasing such lands; provided, however, that no district shall have power to make any expenditures or disbursements of any kind or character under the provisions of sections [246.140 to 246.170](#) out of any maintenance fund of such district.

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(RSMo 1939 § 12609)

Prior revision: 1929 § 11020

8/28/1939

**246.150. Lands to remain subject to district taxes.** — Any lands sold for delinquent state, county, school, road or other general taxes shall remain subject to any taxes, assessments or installments thereof, thereafter to become due to any levee or drainage district for years subsequent to the year for which such general taxes were delinquent and to satisfy which the lands were sold.

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(RSMo 1939 § 12610)

Prior revision: 1929 § 11021

8/28/1939

**246.160. Issuance of refunding bonds, general provisions.** — 1. The board of supervisors of any drainage or levee district heretofore organized or that may be hereafter organized in any circuit court or the county commission of any drainage or levee district heretofore organized or that may be hereafter organized in any county commission of this state, whether said original district has been reorganized in whole or in part, or whether said district in whole or in part has elected to be reorganized under sections [242.010 to 242.690](#), or the board of directors of any district organized or

reorganized under sections 245.285 to 245.545, whenever in the judgment of such board or court or county commission, as the case may be, it is advisable and for the best interest of the landowners of any such district, may, unless a majority of the owners owning a majority of the acres of land within said district shall, at the hearing herein provided for, object to said proceedings, from time to time as may be necessary, to refund all or any part of its bond indebtedness by taking up and exchanging such of its outstanding bonds as the holders thereof may be willing to surrender, and issue in lieu thereof new bonds of such district payable at such longer time, not exceeding forty years from their date, as such district may determine and the holders of the outstanding bonds are willing to accept.

2. Such refunding bonds shall not exceed in the aggregate the amount of bonds refunded thereby and they shall bear interest at a rate not exceeding the same rate as the bonds refunded, which interest shall be payable semiannually and said refunding bonds when issued may be exchanged for the outstanding bonds, if the holders thereof so agree, or said refunding bonds may be sold for not less than ninety-five cents on the dollar and accrued interest, and the proceeds of the sale of said bonds shall be used solely in the payment of the outstanding bonds and the cost, expense and discount incident to the issuing of such refunding bonds.

3. In the event refunding bonds are issued, any landowner shall have the right at any time within two weeks after the order providing for their issue is made in which to pay the full amount of uncollected principal tax or assessment chargeable to his land for the payment of bonds proposed to be refunded and his lands shall thereby be released from the tax or assessment for the payment of the refunding bonds, but shall remain subject to additional taxes, if any, that may be levied by such district pursuant to law. Unless and until refunding bonds shall have been authorized and issued, the rate of tax or assessment or amount of assessment applicable to the bonds to be refunded shall not be reduced.

4. Notice shall be given by such board or court or county commission to the landowners, persons and corporations owning any interest in any lands or other property assessed in said district of its intention to refund said bonds by inserting a notice in a weekly newspaper published in each county in which the lands in said district may lie; there shall be two insertions of said notice in said weekly paper or papers, the last insertion to be not less than five days prior to the hearing; such hearing to be held before such board or court or county commission, as the case may be, at such convenient place as may be designated by such board or court or county commission.

5. The notice to all parties interested will be sufficient if substantially in the following form:

All persons or corporations interested in lands or other property lying in \_\_\_\_\_ district, take notice.

That \_\_\_\_\_ district desires to refund all or part of its outstanding bonded indebtedness and that at \_\_\_\_\_ in the city of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, any landowner or other person or corporation having an interest in any land or property in said district may appear before the board of trustees (or supervisors or directors, as the case may be) of said district (or before the county commission of \_\_\_\_\_ County, as the case may be), and show any cause why said refunding should not be done, and you are further notified that if a majority of the owners owning a majority of the acres of land in said district object to such refunding, the said refunding shall be abandoned. You will further take notice that unless such refunding shall be abandoned, any landowner will have the right at any time within two weeks after the making of the order providing for the issuing of refunding bonds by said board or court or commission, if any such order be made within which to pay the full amount of uncollected principal tax or assessment chargeable to his land or any tract thereof for the payment of bonds proposed to be refunded, and any tract on which such tax or assessment shall be paid will be released from any tax or assessment for the payment of such refunding bonds, but shall remain subject to additional taxes, if any, that may be levied by such district pursuant to law. Of which you will take due notice and govern yourselves accordingly.

\_\_\_\_\_  
\_\_\_\_\_

6. When the bonds of any such district are refunded pursuant to the authority hereby conferred, the collection of the corresponding installment of taxes or assessments for the payment of the original bonds shall be deferred for a like period. It shall be the duty of the district issuing such refunding bonds to make proper provisions for their payment in like manner as is required in the case of the issuance of original bonds by the act under which such district is or shall be incorporated, and the holder of such refunding bonds shall have the same rights as are given the holders of bonds under the act or acts under which such districts are respectively incorporated. Any landowner failing to avail himself of the privilege conferred by this section of paying in full the unpaid principal tax or assessment against his land shall

not be heard to complain by reason of additional interest to be collected from his lands by reason of the extension of the bonds. Taxes or assessments levied for the payment of refunding bonds shall be secured by the same lien as other taxes of such district.

7. No proceedings shall be required for the issuance of refunding bonds other than those provided by this section and all powers necessary to be exercised by such district in order to carry out the provisions of this section are hereby conferred upon such districts. The powers conferred by this section may be exercised by any drainage or levee district heretofore or hereafter organized under any law in this state and shall apply to bonds of such districts whether heretofore or hereafter issued; provided further, that in the event any district shall avail itself of the provisions of this section and desires to issue refunding bonds extending beyond the charter life of said district, the issuing of said bonds shall automatically extend the charter life of such district for a period of twenty years beyond the date of the last maturing refunding bond so issued.

(RSMo 1939 § 12611, A.L. 1945 p. 849)

Prior revision: 1929 § 11022

8/28/1945



**246.165. Investment of surplus funds, when — approved investments.** — 1. Any drainage or levee district organized under any law of this state may invest any funds not immediately needed for the purpose for which the money was received in the following:

(1) Bonds, notes or certificates of indebtedness which are direct obligations of the United States or bonds or other indebtedness, the principal and interest of which are unconditionally guaranteed by the United States;

(2) Accounts of any savings and loan association organized under the laws of this state or another state, or the United States, which holds a certificate of insurance from the Federal Savings and Loan Insurance Corporation;

(3) Savings accounts and time deposits, including time certificates of deposit in any banking institution which holds a certificate of insurance from the Federal Deposit Insurance Corporation.

2. If a deposit in a savings and loan association or a banking institution is greater than the amount covered by the insurance provided for the account by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance

Corporation, as the case may be, that portion of the deposit in excess of the amount covered by insurance shall be secured as provided by the provisions of sections [110.010](#) and [110.020](#).

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(L. 1971 H.B. 139 § 1)

CROSS REFERENCES:

Bi-state development agency, bonds of, investment in authorized, [70.377](#)

Multinational banks, securities and obligations of, investment in, when, [409.950](#)

Savings accounts in insured savings and loan associations, investment in authorized, [369.194](#)

8/28/1971

**246.170. Districts may conform to federal law in refunding, extending time of payment.** — All drainage and levee districts heretofore or that may be hereafter organized under any law of this state are hereby authorized and empowered to do each and every act necessary to be by them performed in order to comply with or avail themselves of the provisions of any legislation now enacted or that may be hereafter enacted by the Congress of the United States of America, having for its purpose the refunding or extending the time of payment of the bonded indebtedness of any drainage or levee district or otherwise lightening the present burdens of taxation resting on the lands and property in such districts.

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(RSMo 1939 § 12612)

Prior revision: 1929 § 11023

8/28/1939

**246.180. Prescribed duties enforced by mandamus.** — The performance of all duties prescribed in any existing, or future law of this state governing the organization and administration of drainage or levee districts may be enforced by mandamus at the instance of any person or corporation interested in any way in any such district.

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(RSMo 1939 § 12475)

Prior revisions: 1929 § 10885; 1919 § 4580

8/28/1939



**246.190. Court to appoint guardian ad litem.** — In all proceedings for the formation and administration of drainage and levee districts in Missouri under the

provisions of any existing, future or special statute, the court shall appoint some reputable attorney as guardian ad litem to represent all infants and incapacitated persons interested in the organization or administration of such district. In case the interests of such infants or incapacitated persons shall appear to the court to be adverse to each other, then and in such case the court shall appoint as many different persons as guardians ad litem as the circumstances of the case may require. The persons so appointed shall appear for and represent their wards in all matters connected with the proceedings, and shall be paid such sum as the court may fix upon, out of the moneys in the funds of the districts, for their services.

(RSMo 1939 § 12472, A.L. 1983 S.B. 44 & 45)

Prior revisions: 1929 § 10882; 1919 § 4577

8/28/1983

**246.200. Supports for bridges, where placed — penalty for violation.** — 1. No person, corporation, county commission or other municipal corporation shall be permitted to sink, set, or drive any posts, pillars or piling in any of the ditches, drains or watercourses constructed by any district organized under the laws of this state for the purpose of erecting any bridge, trestle or covering over or across any such ditch, drain or watercourse. All supports for any such bridges, coverings or trestles shall be erected or placed on the banks of such ditches, drains or watercourses so as not to obstruct the flow of the water therein.

2. Any person, corporation, member of the county commission or municipal corporation violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction shall pay a fine of not less than five dollars nor more than one thousand dollars, and if such violation as the conviction is for shall not be abated by the party so convicted within thirty days after such conviction, then the continuance of such obstruction or other violation of the provisions of this section after said period of thirty days shall for each and every day the same is continued constitute a separate offense, for which, on conviction thereof, the party so offending shall be punished by a fine of twenty-five dollars.

(RSMo 1939 12441, 12444, A. 1949 S.B. 1086)

Prior revisions: 1929 §§ 10851, 10854; 1919 §§ 4518, 4521; 1909 §§ 5624, 5630

8/28/1949

**246.260. Penalty laws not to prevent construction of water gates.** — Nothing in sections [246.200](#) to [246.230](#) shall be construed so as to prevent the construction of water

gates across drainage ditches, provided the same are built in such manner as not to retard the flow of water through the ditches nor in any way impair the usefulness of such ditches.

(RSMo 1939 § 12608)

Prior revisions: 1929 § 11019; 1919 § 4711

8/28/1939



**246.271. County and city levee system to protect streets, roads and public facilities may be constructed and operated — bonds authorized.** — 1. Any county, city, town or village in this state may construct and operate a county or municipal levee system to protect the roads, streets and public facilities of such county, city, town or village, and to protect the life, safety and property of the residents of the county, city, town or village from damage and injury due to flood waters. Such a county, city, town or village may acquire property, rights-of-way and easements within the county, city, town or village through its power of eminent domain for the purpose of constructing, operating, repairing or maintaining levees, access roads and pumping sites, and acquiring suitable barrow\* and dredge material disposal areas for the county or municipal levee system.

2. Notwithstanding the provisions of subsection 1 of this section to the contrary, any city wholly contained in a county of the first classification without a charter form of government which contains a campus of the University of Missouri may exercise the powers provided in this section within ten miles of such city.

3. Pursuant to section [70.220](#), any city, town or village which constructs or operates a municipal levee system or any county may enter into contracts or agreements with or cooperate with other political subdivisions, or with any agency of the state or federal government, for the purpose of the construction, operation, repair or maintenance of such levee system.

4. Public improvement, as used in section [71.290](#), shall include a municipal levee system, as described in this section, and as such, any city, town or village may pay for the cost of acquiring property, rights-of-way and easement through condemnation or otherwise, and may pay for the cost of the labor and materials used in the construction, operation, repair and maintenance of such a municipal levee system out of its general revenue. In addition, construction and operation of a municipal levee system is a city purpose, as described in Section 26(c) of Article VI of the State Constitution, and any such city, town or village may issue general obligation bonds for the purposes

described in this section, subject to the provisions of law governing the issuance of municipal general obligation bonds.

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(L. 1993 1st Ex. Sess. S.B. 3 § 1)

Effective 9-30-93

\*Word "borrow" appears in original rolls.

9/30/1993

**246.275. Public levee district may be established by any county, procedure — powers of governing body — no power of taxation.** — The governing body of any county may designate and establish a public levee district within the county, if the governing body has received a petition signed by a majority of landowners within the proposed public levee district requesting the establishment of such a district. Any such public levee district shall have no powers of taxation. Once a public levee district is established and duly created by a majority vote of the governing body of the county, the governing body, on behalf of the public levee district, may receive and expend moneys for the purposes of repair and maintenance of the public levee district's levee and related appurtenances and such governing body shall have the powers of a levee district board of directors specified in sections [245.285 to 245.545](#), other than the power of taxation specified in section [245.445](#). The governing body of the county having established a public levee district pursuant to this section shall be considered the district's governmental sponsor.

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(L. 1993 1st Ex. Sess. S.B. 3 § 2)

Effective 9-30-93

9/30/1993

**246.277. Loans authorized for political subdivision located in disaster area of 1993 — terms.** — 1. The governing body of any political subdivision of this state located in a county which has been declared a major disaster area as provided in section [140.015](#) may, upon a vote of the majority of the members of the governing body, borrow money in anticipation of the collection of taxes and revenues for the current year or immediately following year. The amount of such loans shall at no time exceed the amount of revenue required to meet the estimated revenue requirements placed on such political subdivision as a result of the provisions of section [140.015](#). The governing body of such political subdivision, in accordance with this section, shall determine the amount and terms of such loans and of the terms of the political subdivision's obligation to repay the loan, but the payment of interest on such

loan shall not exceed six percent per annum, and shall be payable within one year from the date of issuance.

2. The clerk or secretary of the governing body, or if none the presiding officer of the governing body, shall certify on the back of each note that the note is issued pursuant to authority granted in this section. All notes issued under this section shall be registered, without fee, in the office of the county treasurer of the county where the political subdivision lies. Upon payment and cancellation, the notes shall be submitted to the county treasurer who shall record the date of payment and cancellation in the record of registry.

3. The provisions of this section shall not apply to political subdivisions which, under the provisions of law existing prior to September 30, 1993, are authorized to borrow money in anticipation of the collection of taxes and revenues.

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(L. 1993 1st Ex. Sess. S.B. 3 § 3)

Effective 9-30-93

9/30/1993



**246.283. Authority to cooperate with other entities to develop bike trails.** — Any district formed pursuant to the laws of this state shall have authority to cooperate with other entities, public and private, in the development of bikeways and bike trails; provided, however, that no power of condemnation of land shall be used by the district for the purpose of bike trails.

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(L. 1994 S.B. 633)

Effective 7-12-94

7/12/1994

**246.285. Approaches for roadway to be built, when.** — In all places where a state highway has been located which crosses any levee constructed pursuant to [chapter 245](#) and which is in use as a state highway before the levee is built, approaches shall be built for a roadway on each side of the levee to accommodate travel by the levee district. The roadway shall be reconstructed and repaved by the state highway department.

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(L. 1994 S.B. 633)

Effective 7-12-94

7/12/1994

**246.300. Voting by representation authorized, when, certain districts.** — In any levee district formed pursuant to the laws of this state having an assessed valuation of forty million dollars or greater, which is located in whole or in part in a county having over nine hundred thousand in population according to the last decennial census, owners of property in whole or in part within the levee district who are corporate, partnership, joint venture, or any other form of ownership other than individual ownership, may delegate through procedure allowed pursuant to corporate form as provided by the laws of this state an individual to exercise representation and voting on behalf of the corporate entity in matters requiring public vote involving the levee district. For purposes of levee districts organized pursuant to the laws of this state, any individual so recognized by the corporate form as having the responsibilities of representing the corporate landowner before the board of supervisors of the levee district shall in all respects be treated by laws of this state as the owner of the property, and shall be entitled to all benefits and privileges allowed by law, including serving on the board of supervisors if so elected, as are contained in the laws of this state.

(L. 1994 S.B. 633, A.L. 1995 S.B. 214)

Effective 2-8-95

2/8/1995

**246.305. Alternative levee district, certain counties — voting rights — apportionment of taxes, board may adopt procedure.** — 1. In any levee or drainage district formed pursuant to the laws of this state having assessed valuation of real property of twenty-five million dollars or greater, which is located in whole or in part in a county with a charter form of government and with more than one million inhabitants according to the last decennial census, the board of supervisors may by order, resolution or ordinance, following a public hearing thereon called upon notice as provided in section [245.060](#), adopt the following alternative procedure with respect to voting rights: voting by landowners of the levee or drainage district shall be determined on the basis of the assessed benefits of the property owned and the owner of each piece of property shall receive one vote per ten thousand dollars of assessed benefits, rounded to the next lowest amount in cases where assessed benefits do not evenly tally. In cases where the assessed benefits of a piece of property are below ten thousand dollars, the owner shall be entitled to one vote.

2. In any levee district formed under the laws of this state, the board of supervisors may, by order, resolution, or ordinance, following a public hearing thereon called upon notice as provided in section [245.060](#), adopt the procedure in this subsection with respect to the apportionment of installment taxes. After the making of a

readjustment of the assessment of benefits, partial or otherwise, pursuant to section [245.197](#), then the board of supervisors shall reapportion and levy on each tract of land or other property in the district identified in the petition the taxes imposed under section [245.180](#), [245.190](#) or [245.198](#) in proportion to the benefits assessed as readjusted and not in excess thereof. In case bonds have been issued as provided in sections [245.010 to 245.280](#), then the amount of interest which will accrue on such bonds shall be included and added to said taxes as reapportioned and levied based upon the benefits assessed as readjusted. The secretary of the board of supervisors, as soon as said tax has been reapportioned, shall, at the expense of the district, prepare a list of all taxes as reapportioned and levied, in the form of a well-bound book, which book shall be endorsed and named "Readjusted Levee Tax Record of \_\_\_\_\_ District \_\_\_\_\_", which endorsement shall also be printed or written at the top of each page of said book, and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and the same shall thereafter become a permanent record in the office of the secretary. The board of supervisors shall each year thereafter determine, order and levy the amount of the annual installment of the total taxes levied under section [245.180](#), [245.190](#) or [245.198](#) based upon such reapportionment, which shall in all other respects be due and collected as provided in section [245.185](#).

3. In any drainage district formed under the laws of this state, the board of supervisors may, by order, resolution, or ordinance, following a public hearing thereon called upon notice as provided in section [242.150](#), adopt the procedure in this subsection with respect to the apportionment of installment taxes. After the making of a readjustment of the assessment of benefits, partial or otherwise, under section [242.500](#), then the board of supervisors shall reapportion and levy on each tract of land or other property in the district identified in the petition the taxes imposed under section [242.450](#), [242.470](#), or [242.502](#) in proportion to the benefits assessed as readjusted and not in excess thereof. In case bonds have been issued as provided in [chapter 242](#), then the amount of interest which will accrue on such bonds shall be included and added to such taxes as reapportioned and levied based upon the benefits assessed as readjusted. As soon as the tax has been reapportioned, the secretary of the board of supervisors shall, at the expense of the district, prepare a list of all taxes as reapportioned and levied, in the form of a well-bound book, which book shall be endorsed and named "Readjusted Drainage Tax Record of \_\_\_\_\_ District \_\_\_\_\_", which endorsement shall also be printed or written at the top of each page of the book, and shall be signed and certified by the president and secretary of the board of supervisors, attested by the seal of the district, and shall thereafter become a

permanent record in the office of the secretary. The board of supervisors shall each year thereafter determine, order, and levy the amount of the annual installment of the total taxes levied under section [242.450](#), [242.470](#), or [242.502](#) based upon such reapportionment, which shall in all other respects be due and collected as provided in section [242.460](#).

(L. 1994 S.B. 633, A.L. 1996 S.B. 845, A.L. 2004 H.B. 795, et al. merged with H.B. 1207, A.L. 2008 S.B. 939)

8/28/2008

**246.310. Inapplicability of certain law regarding abeyance of water and sewer assessments.** — The provisions of section [262.802](#) shall not apply to any drainage district or levee district formed under and pursuant to the laws of this state.

(L. 2010 H.B. 1316 merged with H.B. 1692, et al. merged with S.B. 795)

8/28/2010

In accordance with Section [3.090](#), the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.



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