

Missouri
Revisor of Statutes

Constitution Committee Publications

About Help & FAQ Other Links & Information ↓

Words ▾

1st search term

And ▾

2nd search term



257.020. Definitions. — Unless the context requires otherwise, as used in this chapter the following terms mean:

(1) "**Court**", the circuit court wherein the petition for the organization of the district was filed and granted;

(2) "**Person**", person, firm, copartnership, association or corporation;

(3) "**Public corporation**", counties, townships, cities, towns, villages, all special districts, and all other governmental agencies;

(4) "**River**":

(a) The main stream and its tributaries of a primary drainage basin;

(b) The main stream and its tributaries of a secondary drainage basin;

(c) The principal stream of a tributary drainage area and its tributaries;

(d) The stream or streams of an unnamed drainage area, the specific delineation of which is otherwise provided for herein;

(5) "**River basin**":

(a) A primary drainage basin; and including all of the area of a primary drainage basin above the point where the main stream of such basin flows out of the state of Missouri;

(b) A secondary drainage basin;

(c) A tributary drainage area, the principal stream of which drains directly into the main stream of a primary or secondary drainage basin; or

(d) The unnamed drainage areas not within any primary drainage basin and including those areas which border and drain directly into the Mississippi, Missouri, or Des Moines Rivers; all such basins and areas, and the streams thereof, being those delineated on the Missouri Bureau of Geology and Mines Drainage Map of 1927 as prepared and drawn under authorization of Laws of Missouri, 1921, page 88, and which drainage map was accordingly made of record in the bureau's biennial report of the state geologist transmitted to the 54th general assembly in 1927. Such delineation

of basins and areas shall be understood to define their general locations and names, if any, and to be not definitive of their exact boundaries.

(L. 1959 S.B. 199 § 1, A.L. 1978 H.B. 971)

8/28/1978

257.030. Organization — proceedings in circuit court — disqualification of judge.

— 1. Jurisdiction over proceedings for the organization of a river basin conservancy district lies with the circuit court of the county in which more of the lands of the proposed district are situated than in any other county. The court in which the proceedings are initiated shall thereafter, for all purposes of this chapter, except as hereinafter otherwise provided, maintain and have exclusive original jurisdiction coextensive with the boundaries and limits of the district and of lands and other property within or affected by the district, without regard to the usual limits of jurisdiction of the court.

2. No change of venue shall be allowed in any proceedings by and under the court as provided in this chapter except in condemnation cases and except where the judge of the court shall be disqualified under the laws of this state relating to the change of venue in civil cases. In such situation the following shall apply:

(1) If the judge of the court is disqualified, or is charged, by a party of interest to any proceedings, with being disqualified, the judge shall take action under the change of venue law for civil cases to secure a judge from another judicial circuit of this state to sit, hear the proceedings, and render a decision in the same manner as the regular judge has authority to do. The judge secured from another judicial circuit shall retain jurisdiction until the disqualification of the regular judge of the court is removed.

(2) The expenses of the judge secured from another judicial circuit shall be paid in such amount and manner as provided by the laws of the state relating to circuit courts.

(L. 1959 S.B. 199 § 3)

8/28/1959

257.040. Petition for organization, number of signers, contents — consolidation of petitions. — 1. To initiate proceedings for establishing a river basin conservancy district, a petition shall be filed in the office of the clerk of the court, the petitioners to be residents, and may be public corporations, of a county which is within or partly within the river basin generally described and proposed to be organized into a district, their signatures to be required as follows:

(1) In the case of a district proposed for a river basin lying within or partly within more than two counties, the petition shall be signed by one hundred or more petitioners in each of a majority of such counties;

(2) In the case of a district proposed for a river basin lying within or partly within two counties, the petition shall be signed by fifty or more petitioners in each county;

(3) In the case of a district proposed for a river basin lying wholly within one county the petition shall be signed by twenty-five or more petitioners in such county.

2. In the case of a public corporation as a petitioner, the petition shall be signed by the appropriate person or persons after due and proper action by the governing body of such public corporation.

3. The petition shall set forth:

(1) The name of the proposed district, the first word of the title being the name of the river followed by the words "Conservancy District"; or, in the event of the proposed district being a river basin constituting an unnamed area as described in this chapter, the name of the river to be used shall be the name of the principal stream or one of the principal streams within the proposed district;

(2) That the creation of a district for the area described will be conducive to the public health, safety, convenience or general welfare, or for public use or benefit; and may set forth any other pertinent purpose and condition as conform to the provisions of this chapter;

(3) A general description of the territory to be included in the proposed district, which territory shall be a primary drainage basin, a secondary drainage basin, a tributary drainage area, or an unnamed drainage area, as defined in this chapter;

(4) That the owners of real estate and other property whose names are subscribed to the petition are willing to and do obligate themselves, in the manner hereinafter provided for, to pay the expense of the proceedings, whether the proposed district is organized or the proceedings dismissed;

(5) A prayer for an order by the court declaring the petition and its purpose to be worthy and valid, and further ordering a referendum as such is provided for in this chapter.

4. Several similar petitions or duplicate copies of the same petition for the organization of the same district may be filed and shall together be regarded as one petition. All petitions filed prior to the hearing on the petition shall be considered by the court the same as though filed with the first petition placed on file. The court may

at any time permit the petition to be amended in form and substance to conform to the facts. In determining when a requisite number of freeholders have signed the petition, the court shall be governed by the names as they appear upon the tax records, which shall be prima facie evidence of ownership.

(L. 1959 S.B. 199 § 4, A.L. 1990 H.B. 1070)

8/28/1990



257.050. Bond for expenses. — At the time of filing the petition, or at any time subsequent thereto and prior to the time of publication of notice of the hearing thereon, a bond shall be filed, with security approved by the court, sufficient to pay the expenses connected with the proceeding prior to a formal decree of the court establishing the district. If at any time during the proceedings the court is satisfied that the bond first executed is insufficient in amount, it may require the execution of an additional bond within a time to be fixed, to be not less than ten days, and upon failure of the petitioners to execute the same, the petition shall be dismissed.

(L. 1959 S.B. 199 § 5)

8/28/1959

257.060. Secondary or tributary drainage area, recommendation of state agency. — When the petition proposes the organization of a district for a river basin which is a secondary drainage basin, a tributary drainage area, or an unnamed drainage area, the court shall proceed as follows: Request an official recommendation from the state agency officially designated by the governor to review plans of a river basin conservancy district as hereinafter provided, which agency shall approve or disapprove, or recommend changes with respect to, the extent and purpose of the proposed district as described in the petition, shall include in its recommendation the most properly descriptive name for the proposed district, and shall forward the recommendation to the court within thirty days after receiving the request from the court.

(L. 1959 S.B. 199 § 6)

8/28/1959

257.070. Survey of district made, when — notice, objections, disposition — order of court, appeal. — 1. If the court finds the petition worthy it shall appoint a surveyor to determine the boundaries of the river basin and such other related boundaries that the court deems necessary for the proper establishment of the proposed district as

provided in this chapter. The surveyor so appointed shall make a report in writing, accompanied by a map of the proposed district upon which the required boundaries shall be clearly delineated. The report and map shall be filed with the clerk of the court and shall thereafter be taken and considered as a part of the original petition on file in the case.

2. Immediately after the filing of the surveyor's report and map, the clerk of the court shall cause notice by publication to be made of the pendency of the petition and of the time and place of the hearing thereon as fixed by the court. The notice by publication shall be made in each county which, in all or part, is within or appears to be within the proposed district. The notice shall refer all persons and public corporations concerned in the proceeding to the report and map of the proposed district for the lines bounding the property proposed to be included within the district.

3. Any owner of property in the proposed district who individually may not have signed a petition or who has finally withdrawn his name therefrom in writing and in open court, and who wishes to object to the organization of the district shall, on or before the date set for the cause to be heard, file his objections in writing why the district should not be organized. The objections shall be heard by the court as an advanced case without unnecessary delay.

4. If, at any time after the surveyor's report and map are filed and before the hearing is concluded, the court finds a deficiency in the number of required petitioners from any county within or partly within the proposed district, it shall allow the petitioners to correct such deficiency.

5. Upon the hearing

(1) If it appears that the purpose of this chapter would be subserved by the creation of a river basin conservancy district, the court shall, after disposing of all questions and objections as justice and equity require, including changes or adjustments in the proposed boundary of the district, adjudicate all questions of jurisdiction, declare the district organized for the purposes of a referendum, give it a name by which it shall thereafter be known, and issue the necessary orders for a referendum and first board election as provided for herein.

(2) If the court finds the jurisdiction to be in another county and another court, the proceedings shall be transferred forthwith by the court to the proper jurisdiction and shall progress as though initiated originally in the new jurisdiction. Upon such an order of transfer the transferring court shall cause notice by publication to be made of the order.

6. If the court finds that the area described in the petition should not be organized as a district, it shall dismiss the proceedings and adjudge the costs against the signers of the petition.

7. Any party to the proceeding may within the term of court during which the petition was dismissed or granted, or within twenty days after the dismissal or grant of the petition, appeal from an order refusing to organize or organizing the district, to the supreme court of the state, upon giving bond in a sum sufficient to secure the costs of the appeal, whereupon the supreme court shall give the appeal priority on its docket.

(L. 1959 S.B. 199 § 7)

8/28/1959



257.080. Election district commission, creation, how composed — functions — expenses paid, how. — 1. Upon entering the order organizing the district, the court shall establish an election district commission composed of the county clerks of the several counties or parts thereof included within the river basin district, or where in any such county there is a board of election commissioners a member of the board shall be appointed. In the appointment the court shall designate a chairman and a secretary of the commission from its membership.

2. The election district commission, within thirty days after its appointment, shall apportion the river basin district into six election districts on the basis of the river basin area described in the court's order and the surveyor's map thereof, which election districts shall be as nearly equal in population as possible, with the boundaries of each of the six election districts to follow existing township, precinct or other election district lines except in the case of the outer boundaries of the river basin district where the boundaries may necessarily cut across the existing lines.

3. When the election district commission has so divided a river basin district it shall report the action to the court. The court shall review the report and approve it or ask for corrections or changes. When the report is finally approved by the court, the court shall thereupon designate each election district by number, from one to six.

4. The further duties of the election commission shall be:

(1) To advise the court, or the river basin conservancy district board when it is organized, of matters pertaining to elections, and election areas and boundaries.

(2) To supervise and conduct the first election of trustees, by and under order of the court.

(3) To redistrict the election districts of the river basin conservancy district, when so requested by the river basin conservancy district board, in a manner similar to the initial establishment of election districts provided for herein.

5. Prior to the establishment of the river basin conservancy district board and receipt of sufficient tax moneys by it, travel and necessary expenses of the election district commission shall be paid by the county commissions of the counties within or partially within the river basin district on a pro rata basis relating to the proportion of each county's lands to the whole area of the river basin district; but such expenses shall be included in the costs of the court proceedings if the voters do not approve establishment of the district, and shall be repaid to the respective counties accordingly. In event of establishment of the district such expenses shall be repaid by the district board to the respective counties out of the first funds received from annual levies. Thereafter the expenses of the commission shall be paid directly to it by the district board. Authority for incurring expenses by the commission shall originate in an order of the court or the board, as the situation requires.

6. Changes in the personnel and offices of the commission, for any reason, shall be effected by the court, and the district board after it is organized, in a like manner as appointments made in the initial establishment of the commission. After the district is established, the board secretary shall serve as secretary of the commission.

7. The duty performed by the court with respect to the election commission, election districts and areas, as provided herein, shall be for purposes of properly establishing a river basin conservancy district and its board, and shall not thereafter be a further duty of the court, but shall vest in the district board as an administrative responsibility.

(L. 1959 S.B. 199 § 8)

8/28/1959

257.090. Court to call election — contents of call. — 1. Upon designation of the election districts the court shall call for the referendum and board election accordingly.

2. The call for the referendum and first board election shall specify also at least the following:

- (1) The purpose of the district as organized by the court;
- (2) The general area of the district;
- (3) The qualification of voters;
- (4) The vote required for passage of the referendum;

(5) The basis of representation provided herein for the election of trustees, and the filing time for candidates for the board of trustees.

(L. 1959 S.B. 199 § 9, A.L. 1978 H.B. 971)

8/28/1978

257.100. Form of ballot. — The question shall be submitted in substantially the following form:

Shall a _____ Conservancy District be established?

(L. 1959 S.B. 199 § 10, A.L. 1978 H.B. 971)

8/28/1978



257.110. Vote required to approve district. — A majority vote of those voting in the referendum shall constitute approval of establishment of the district.

(L. 1959 S.B. 199 § 11, A.L. 1978 H.B. 971)

8/28/1978

257.120. Costs, how paid and taxed, counties reimbursed, when. — Upon a vote approving the establishment of the district, the court shall order payment of the official costs of the proceedings, including the costs of election. The costs shall be paid out of the contingent funds of the county in which the petition is pending, if the county commission of that county has been a petitioner, otherwise the costs shall be defrayed from sums donated or advanced by the petitioners. In case the district is established, any costs advanced shall be repaid to the county or petitioners out of the first funds received from annual levies as provided for such purpose in this chapter. If the district is not organized or established, then the cost shall be collected from the county treasurer on voucher of the county commission, the petitioners or their bondsmen.

(L. 1959 S.B. 199 § 12)

8/28/1959

257.130. District established, when — status and powers. — Upon payment of the costs, a vote approving the establishment of the district, and qualification of the trustees, the district shall be established as a public corporation and political subdivision of the state of Missouri, shall have perpetual existence except as otherwise provided in this chapter, and may do and perform all acts herein expressly authorized and all other acts necessary and proper for the carrying out of the purposes for which

the district was created and for executing the powers with which it is invested. The court shall issue an order and decree accordingly.

(L. 1959 S.B. 199 § 13)

8/28/1959



257.140. Order establishing district not subject to collateral attack, when — contest of vote authorized. — Whenever an order is entered establishing the district, the order shall finally and conclusively establish the regular organization and establishment of the district against all persons except the state of Missouri upon suit commenced by the attorney general within three months after the decree declaring the district established. The organization and establishment of the district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized. This provision is understood not to apply to an election contest of the referendum, first board election, or any other election provided for in this chapter.

(L. 1959 S.B. 199 § 14, A.L. 1978 H.B. 971)

8/28/1978

257.150. Copies of decree recorded, where, sent to agency designated by governor. — Within thirty days after the district has been declared a corporation by the court, the clerk of the court shall take the following action:

(1) Transmit to the secretary of state copies of the findings and decree, the same to be filed and recorded in the office of the secretary of state in the same manner as articles of incorporation are now required to be filed and recorded under the general law concerning corporations. The secretary of state shall receive for filing and recording the copies such fees as now are or hereafter may be provided by law for like services in similar cases.

(2) Transmit to the county recorder of deeds in each of the counties having lands in the district, copies of the findings, decree, and surveyor's map of the district, the same to be filed in the office of the county recorder of deeds, where they shall become permanent records. The recorder of deeds in each county shall receive a fee of five dollars for filing and preserving the same.

(3) Transmit to the state agency designated by the governor to review plans of conservancy districts copies of the findings, decree, and surveyor's map of the district.

(L. 1959 S.B. 199 § 15)

8/28/1959

257.160. Regular elections of trustees, when held — number of trustees, how selected, terms, qualifications, vacancies filled, how — removal. — 1. The time for election of trustees of the board of the conservancy district shall be on primary election days, except as provided herein for the first board election.

2. There shall be eight trustees selected to constitute the board of the conservancy district. They shall be selected as follows:

(1) Six shall be elected, each to represent one of the six election districts of the conservancy district and to be elected by voters within his election district.

(2) Within sixty days after the first board election or succeeding elections for trustees, as the case might be, the governor, by and with the advice and consent of the senate, shall appoint one trustee to represent election districts one, two and three, one trustee to represent election districts four, five and six.

(3) Trustees elected or appointed to the first board from election districts one, two and three shall hold office until the next primary election. Trustees from election districts four, five and six shall hold office until the second biennial primary election after their selection as members of the first board of trustees. Thereafter the terms of office of all eight trustees are for four years, election or appointment as provided herein to occur at the time of each primary election at which the respective previous terms of office expire.

(4) Candidates for election to the board of trustees shall be citizens of the United States, voters within their respective election districts for one year next preceding the election, and at least thirty years of age. In addition to possessing such qualifications, trustees appointed by the governor shall have previously demonstrated a broad knowledge and interest in the fields of natural resources, agriculture, forestry, or business and industry, and shall, wherever possible, come from a different area within their respective election districts from that of the elected trustees.

3. Notwithstanding any other provisions herein to the contrary, trustees whose terms of office expire shall hold office until their successors are elected or appointed, as the case may be, and until such successors are qualified.

4. In event of the vacancy of the office of any trustee, for whatever reason, before expiration of the term for the office, the following procedure shall govern:

(1) In the case of an elected trustee or a court appointed trustee, the court shall appoint a qualified person to serve until the next election, at which time there shall be

elected a trustee to fill the unexpired term, if any, in the manner provided for the regular election of trustees.

(2) In the case of a trustee appointed by the governor, the governor shall appoint a qualified person to serve until the next election, at which time the unexpired term, if any, shall be filled by appointment following the election as herein provided for. A qualified person for vacancy appointments shall be the same as provided in the case of appointments by the governor as otherwise provided in this chapter.

5. (1) Any elected trustee, or any other officer of any district, not a trustee, may be removed for cause after a hearing upon a motion filed in the original case in which the district was organized.

(2) Any court appointed trustee may be removed by the court.

(3) Any trustee appointed by the governor may be removed by the governor.

(L. 1959 S.B. 199 § 16, A.L. 1978 H.B. 971)

8/28/1978



257.170. Election of trustees, procedure. — 1. Candidates for election to the board of trustees shall file their declarations of candidacy with the secretary of the board of trustees or in the case of the first election, the filing shall be in like manner with the secretary of the election authority. The declaration of candidacy shall set forth the candidate's qualifications as provided herein.

2. The ballots shall not designate the candidates' parties.

3. At least a majority of the then qualified members of the board of trustees or of the election district commission, as the case might be, shall jointly tabulate the results received and shall certify the candidates receiving the greatest number of votes for the respective terms of office and until their successors have been elected and qualified. In the case of the election district commission executing its duties hereunder, the secretary thereof shall forthwith send to the court, by registered mail, one complete copy of all returns.

(L. 1959 S.B. 199 § 17, A.L. 1978 H.B. 971)

8/28/1978

257.180. Oath of trustees — organization — seal, records, meetings, quorum. — 1. Each trustee, before entering upon his official duties, shall take and subscribe to an oath before a suitable officer that he will honestly, faithfully and impartially perform

the duties of his office, and that he will not be interested directly or indirectly in any contract let by the district, which oath shall be filed in the office of the clerk of the court in the original case.

2. The board of trustees shall choose one of their number president of the board, and shall elect some suitable person secretary, who may be a member of the board or a paid employee.

3. The board shall adopt a seal, and shall keep a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and all corporate acts, which shall be open to the inspection of all interested parties.

4. The trustees shall hold their meetings at such place and times as they may designate within the district. A majority of the trustees shall constitute a quorum, and a concurrence of a majority of those present in any matter within their duties shall be sufficient for its determination.

(L. 1959 S.B. 199 § 18)

8/28/1959

257.190. Secretary, duties — chief engineer and employees, duties, compensation — bonds — compensation of trustees — audits. — 1. The secretary shall be the custodian of the records of the district and of its corporate seal and shall assist the board in such particulars as it may direct in the performance of its duties. The secretary shall serve also as treasurer of the district, unless a treasurer is otherwise provided for by the board. The board shall also employ or retain a registered, professional engineer as chief engineer, and such other agents and persons as are needful; and may provide for their compensation, which, with all other necessary expenditures, shall be taken as a part of the cost of administration, of various improvements or facilities or the cost of maintaining or operating same. The chief engineer shall be superintendent of all the works, improvements and facilities, and shall make a full report to the board each year, or oftener if required, and may make such suggestions and recommendations to the board as he deems proper. Such authority in the chief engineer shall not exclude the board from delegating the authority to an acting chief engineer, who is also a registered, professional engineer, when the chief engineer is not able or present to assume his duties. Neither shall the board be excluded from the assignment of administrative and business responsibilities to other personnel.

2. The board shall require and pay for an adequate bond for the secretary-treasurer, or secretary and treasurer, and such other employees whose duties may require the

bond.

3. The members of the board shall receive, for attending to the business for and on behalf of the district, actual travel expenses; and shall further receive not to exceed fifteen dollars per day for each day that the board sits in meeting.

4. A certified public accountant shall audit the books of the district at the end of each fiscal year and report thereof to the board which shall, by publication, issue the statement within thirty days thereafter.

(L. 1959 S.B. 199 § 19)

8/28/1959



257.200. Powers of board, limits. — 1. In order to accomplish the purposes of the conservancy district, the board of trustees may:

(1) Sue and be sued by its corporate name.

(2) Clean out, straighten, widen, alter, deepen or change the course or terminus of any ditch, drain, sewer, river, watercourse, pond, lake, creek or natural stream within the district; fill up any abandoned or altered watercourse; concentrate, divert or divide the flow of water within said district.

(3) Purchase, acquire, hold, sell, convey, encumber, lease, control, or use such land and personal property as may, by the board of trustees, be deemed necessary or convenient to enable it to properly carry out the purpose for which organized.

(4) Construct or contract for the construction of, and operate, maintain, preserve or supervise, engineering works and other works, improvements and facilities.

(5) Remove or change the location of any building, facility or structures which interfere with such improvements within the district.

(6) Acquire any easement, riparian or other right, or cemetery within the district for right-of-way, holding basin or for any necessary purpose.

(7) Replat or subdivide land, open new roads, streets and alleys, or change the course of an existing one.

(8) Charge fees consistent with the purposes and services of the district.

(9) Levy taxes, issue bonds and incur indebtedness within the limitations prescribed by this chapter.

(10) Enter into contracts or other arrangements with the United States government or any part thereof, with the state government or any part thereof, with public

corporations of this state or another, or with persons, for cooperation, financial aid or other assistance in constructing, maintaining, using and operating the works or facilities of the district or the waters thereof, or in any other way in furthering the purposes of the district under this chapter; and jointly or severally may purchase, lease or acquire land or other property in order to accomplish the purposes of this chapter or further the interests of the district.

(11) Select a residence of home office for the district, which shall be at a place designated by the board of trustees.

2. The objects and powers enumerated in this chapter shall not be construed to exclude other objects and powers necessary to effectuate the general purposes of the district, but there shall be excluded from such purposes, objects and powers the construction, operation or holding by the district of permanent structures for lodging, and the ownership or holding by the district of land for such a use, excepting such residential accommodations as may be necessary for personnel concerned with the operation and maintenance of the works, improvements, facilities, and other property of the district.

(L. 1959 S.B. 199 § 20)

8/28/1959

257.210. Board and agents may enter lands for surveys — interference, penalty. — The board of trustees of a district, or their employees or agents, including contractors and their employees, may enter upon lands or premises within or without the district in order to make surveys and examinations to accomplish the necessary purposes of the district, or to have access to the work, being liable, however, for actual damage done, but no unnecessary damage shall be done. Any person preventing such entrance is guilty of misdemeanor, punishable by fine not exceeding fifty dollars.

(L. 1959 S.B. 199 § 21)

8/28/1959

257.220. Condemnation of land by board. — The board may condemn for the use of the district, any land or property within the district not previously acquired or condemned by order or judgment of the court, according to the procedure provided by law for the appropriation of land or other property as provided in [chapter 523](#), for the condemnation of property for public use, except that:

(1) The original jurisdiction for such condemnation shall rest in the court as such court is defined in this chapter, and

(2) Any provisions of [chapter 523](#) which conflict with the provisions of this chapter do not apply herein. Whenever the constitution of the state permits, the board shall have the right to exercise the power of excess condemnation on such property as the court decrees as reasonable and desirable for the district to acquire.

(L. 1959 S.B. 199 § 22)

8/28/1959



257.230. Cemetery lands, procedure on taking or damaging. — Whenever it is necessary for the purposes of a district to take or damage any cemetery, the district shall appraise the cost of such taking or easement in the same manner as appraisals are made for other property. The board of trustees in the case of the removal of a cemetery may agree for such removal with the persons or authorities owning or controlling the cemetery; and in case of agreement, the board of trustees may purchase the necessary land, and remove or contract for the removal of those buried, together with all monuments. They may also contract for an easement therein if removal is not desired. In case condemnation proceedings are necessary, they shall be instituted and conducted under the provisions therefor in this chapter. Compensation granted for taking any cemetery shall include the cost of removal of those buried and their monuments.

(L. 1959 S.B. 199 § 23)

8/28/1959

257.240. Board to make regulations, violation, misdemeanor, enforcement by civil process. — 1. In order to secure the best results from the execution and operation of the plans and facilities of the district, the board of trustees, after due publication and public hearings, and subject to appeal to and decree of the court, shall make regulations for the administration of the district and for the adjustment, connection or coordination of watercourses or works, facilities or operations to or with the waters, improvements, works, operations or facilities of the district.

2. The construction or operation of any works or facilities harmful to the district and contrary to regulations adopted or approved by the board of trustees is deemed a misdemeanor, punishable by a fine of not more than one thousand dollars for each offense.

3. The board of trustees may enforce by mandamus or otherwise all necessary regulations made by them in accordance with this chapter and may remove any harmful construction or may close any operation improperly done and they may bring

such suits in mandamus in the court of appeals in the first instance, if deemed advisable by them.

4. Any public corporation or person willfully failing to comply with the regulations is liable for damage caused by such failure, and for the cost of renewing any construction damaged or destroyed.

(L. 1959 S.B. 199 § 24)

8/28/1959

257.250. Contracts, procedure for letting — concessions, how granted. —

Whenever the board of trustees lets contracts for necessary works or concessions, it shall be governed as follows:

(1) Contracts let for necessary works may be either as a whole or in parts, except that for works costing over five thousand dollars the board shall advertise and award same by open competitive letting and public contract as hereinafter provided:

(a) Advertisements calling for bids shall be published, once a week for three consecutive weeks, completed on date of last publication, in at least one newspaper of general circulation within the district.

(b) The board may let the contract to the lowest or best bidder having adequate experience, skill, plant equipment and responsibility and who shall give a good bond and sufficient bond, with a reputable surety company as security conditioned on the carrying out of the contract.

(c) Contracts shall be in writing and shall be accompanied by or shall refer to plans or specifications for the work to be done, or materials, services or equipment to be furnished. All contracts shall be approved by the board of trustees and signed by a designated officer-trustee of the board and by the contractor, and shall be executed in duplicate.

(d) In case of a sudden emergency when it is necessary in the opinion of the board, in order to protect life or property within the district, the advertising of the contracts may be waived upon the consent of a majority of the board of trustees.

(2) Concessions may be granted or leased on, along, or between properties of the district for businesses serving people using the resources or facilities of the district, for definite periods, whenever the board deems it for the best interest and general welfare of the district. All sums so collected shall be placed in the general fund. No concession or privilege shall be granted or leased without public notice and competitive bidding therefor submitted in writing and accepted by the board of

trustees, all in the same manner as provided in this section for contracts for necessary works.

(L. 1959 S.B. 199 § 25)

8/28/1959



257.260. Concessions to be reappraised each twenty years. — Assignments, leases or permissions by the board of trustees for periods of greater than twenty years, shall have the rates therefor reappraised or redetermined by the board every twenty years.

(L. 1959 S.B. 199 § 26)

8/28/1959

257.270. Board to employ guards to enforce regulations, powers. — The board of trustees may appoint and maintain from time to time such lifeguards or other guards as it may find necessary to patrol the waters and protect the property of the district and enforce regulations of the board. The guards shall have and exercise like police powers to those conferred upon the police of cities.

(L. 1959 S.B. 199 § 27)

8/28/1959

257.280. Use resulting in damage prevented — liability — willful damage, penalty — local option as to stock law unchanged. — 1. The board may at any time prevent persons, vessels or vehicles from using, passing over or through such property, works, or facilities of the district in any manner which would result in damage thereto.

2. All persons and public corporations shall be liable for damage done to such domain of the district by themselves, their agents, or their employees.

3. All persons guilty of willful damage are guilty of a misdemeanor, and are punishable by a fine not to exceed five hundred dollars and costs, and shall be liable for all damages and costs.

4. The board of trustees shall have authority to repair such damage at the expense of the person or public corporation committing it.

5. Nothing herein shall be construed to abolish the rights of the citizens of any political subdivision to decide by local option as provided by law the question as to whether livestock shall be permitted to run at large.

(L. 1959 S.B. 199 § 28)

8/28/1959



257.290. Plans of district, adoption, state agency designated by governor to approve. — 1. After its organization the board shall proceed without delay, and from time to time as needed, to prepare or cause to be prepared broad general plans, or detailed parts thereof, for the purposes for which the district was created. The plans shall include such maps, profiles, plans, specifications and other data and descriptions as are necessary to set forth properly the location and character of the work, with estimates of cost and specifications for doing such work and maintaining or operating same. Whenever the chief engineer shall make a report recommending such a plan, the board of trustees shall adopt the report or any modification thereof approved by the engineer. The adopted report shall be numbered by the board and shall thereafter be known and designated as "Preliminary Plan No. _____", which plan shall be filed with the secretary of the board and made a part of the records of the district.

2. Upon adoption of a preliminary plan it shall be transmitted forthwith to the appropriate state agency for review. Such state agency shall be officially designated by the governor as having the responsibility for review of conservancy district plans, and shall be that one in the government of the state mostly responsible for or concerned with matters relating to the purposes of this chapter. Ninety days after receipt of the preliminary plan the official agency shall certify the plan back to the district board with its approval or recommended changes, which will constitute a completed plan.

(L. 1959 S.B. 199 § 29)

8/28/1959

257.300. Preliminary plan, notice — objections, adoption — objections to official plan, trial by court order — state agency to be informed. — 1. When the preliminary plan is completed by the designated state agency, the board shall cause notice by publication to be given in each county of the district, of the completion of the plan, and shall permit the inspection thereof at their office or at a convenient location in each county by all persons interested. The notice shall fix the time and place for the hearing of all objections to the plan not less than twenty days nor more than thirty days after the last publication of the notice.

2. All objections to the plan shall be in writing and filed with the secretary of the board at his office or at the place of hearing within ten days after the last publication of the notice.

3. After the hearing before the board of trustees, the board shall adopt the plan, or such modification thereof as the board determines, as an official plan of the district, and designate the plan as "Official Plan No. _____", the number to be the same as that of the preliminary plan from which the official plan originated.

4. If, however, any person or public corporation objects to the official plan, so adopted, then the person or public corporation may, within fifteen days from the adoption of the official plan, file the objections in writing in the office of the clerk of the court by which the district was created, specifying the objectionable features of the plan and setting forth wherein the proposed provisions of the plan are not necessary under the purposes for which the district was created. The court shall then fix a day for the hearing thereof before the court, not less than twenty days nor more than thirty days after the first regular session of court after the time fixed for filing objections, at which time the court shall hear the objections and adopt, amend, reject or refer back the plan to the board of trustees. If the court:

(1) Rejects the plan, the board shall proceed to prepare another plan;

(2) Refers back the plan to the board for amendment, the court shall continue the hearing to a day certain without publication of notice;

(3) Approves the original or amended plan as the official plan of the district, a certified copy of the order of court approving the original or amended plan shall be filed with the secretary of the board of trustees, and by him incorporated into the records of the district as "Official Plan No. _____".

5. The designated state agency herein referred to shall be kept informed by the secretary of the board of pending proceedings, and action taken, relative to the formulation of an official plan, to the end that the state's interest may be represented and proper records maintained. A copy of any official plan, or changes made in arriving at the plan, shall be filed forthwith with the agency.

(L. 1959 S.B. 199 § 30)

8/28/1959

257.310. Creation of district for primary drainage basin including previously formed district, procedure — establishment of subdistricts — officers, employees, powers — disincorporation of such district. — 1. Where any conservancy district is organized and established within a primary drainage basin and the area of such district is a secondary drainage basin or a tributary drainage area, the balance of the primary drainage basin may be the basis for initiating, organizing, and establishing a conservancy district for the entire primary drainage basin. Other provisions of this

chapter shall apply to the initiating, organizing, establishment, and function of the primary drainage basin conservancy district, except:

(1) The provisions of this chapter for initiating, organizing and establishing a conservancy district shall apply only to such balance of the primary drainage basin as lies without any other conservancy district, but the jurisdiction of the court shall be determined on the basis of the entire primary drainage basin. In addition to the petitioning procedure as it shall apply to initiating a primary drainage basin conservancy district under this section, any established conservancy district of lesser extent within the primary drainage basin shall have the right to be a petitioner under this section, regardless of limitations on petitioners provided by this chapter, and may, solely and by itself, sign and present a petition to the court for the organization and establishment of a conservancy district for the primary drainage basin of which the lesser district is a part. It is understood hereby that

(a) The existence and function of any conservancy district of lesser extent within the primary drainage basin shall in no way constitute a bar or limitation on the establishment of a conservancy district for the entire primary drainage basin;

(b) The referendum therefor shall be by vote of qualified voters within those areas of the primary drainage basin which are without the boundaries of any established conservancy district;

(c) The procedure and basis for selection of trustees of the primary drainage basin conservancy district shall be in no way different from that otherwise provided for in this chapter for any conservancy district.

(2) Upon establishment of a primary drainage basin conservancy district under this section,

(a) Any conservancy district of a lesser extent, including any subdistrict thereof, within the primary drainage basin established as a conservancy district, upon such establishment shall forthwith become a subdistrict, subject to whatever the regular prosecution of the affairs of the primary drainage basin district shall resolve, in accord with the objects, purposes, and other provisions of this chapter;

(b) The trustees of any conservancy district of lesser extent shall no longer hold office and shall cease to function upon qualification of the trustees of the primary drainage basin district but shall be held responsible, with appeal therefor to the court by any party of interest, for a proper handling, transfer, and consolidation of the affairs of their district being assumed by the primary drainage basin district trustees as district trustees or as subdistrict trustees;

(c) The further position and responsibility of any other officer, employees, agents or persons responsible to any such former conservancy district shall be a matter of decision by the board as district or subdistrict trustees. Such personnel shall be subject to the same provisions for responsibility as the former trustees of the lesser district are subject to in this section.

2. In addition to the formation of a subdistrict as previously provided for in this section, whenever it is desired to accomplish the purposes of this chapter and exercise the powers of the board of trustees where such purposes and powers will affect only a part of a conservancy district, a subdistrict may be formed within such part of the district.

3. Establishment of such a subdistrict shall be preceded by a plan for the proposed subdistrict, which plan may be part of an official plan for the entire district or part of the district, or may be a separate official plan in itself. In any case the procedure for creating a subdistrict plan shall be, in all respects, the same as provided herein for originating and securing an official plan, with the additional provision that the plan shall include a name for the subdistrict.

4. When the plan for a proposed subdistrict has been approved and made official, it may be subject to further action as follows:

(1) The district board shall issue notice of the approval of the plan and may announce in such notice, or in a later notice, its intention to submit the question of establishing the subdistrict, subject to a determination of the boundaries of the proposed subdistrict.

(2) If the district board, at the time of its notice of the approval of the plan or within thirty days after publication of such approval notice is complete, does not give notice of its intention to call an election, subject to such determination of the boundaries, a petition for such action toward a subdistrict may be presented to the board. The number of petitioners and their qualifications shall be the same as provided in this chapter for initiating the establishment of a conservancy district. Upon receipt of such petition, and finding it valid, the board shall take action forthwith on the proposed subdistrict as though on its own initiative. In such case, however, the board may require the petitioners to give bond for the costs of determining the boundaries and of the election. If the election for a subdistrict fails, such costs shall be paid by the petitioners. If the subdistrict is established, the costs shall be paid by the subdistrict.

5. At the time of the subdistrict election, questions of additional tax and bond issue may be presented to the voters if so indicated by the official plan, and if the board in

calling the subdistrict election on its own initiative has so stated or if, in the case of a petition, the petitioners have so requested the board. If such questions are presented to the voters the respective provisions of this chapter for tax and bond elections shall be followed insofar as such would apply.

6. The result of the election for the establishment of a subdistrict shall be entered upon the records of the board. If the voters approve the subdistrict establishment, certified copies of the board's record thereof shall be filed with the secretary of state, the county recorder of the county or counties within the subdistrict, and the state reviewing agency.

7. Upon entry in the records of the board of the vote approving establishment of the subdistrict, the subdistrict shall be organized and established thereby, with the trustees of the conservancy district thereupon becoming trustees also of the subdistrict. Thereafter, the proceedings in reference to the subdistrict shall in all matters conform to the provisions of this chapter; except that in the issuance of bonds for the subdistrict, in the levying of taxes by the subdistrict, and in all other matters affecting only the subdistrict, the provisions of this chapter shall apply to the subdistrict as an independent conservancy district, and it shall not, in these things, be amalgamated with the district. It is understood that such provisions for a subdistrict shall in no way restrict a conservancy district's taxing and bonding authority or limitations in the area of the subdistrict or elsewhere in the district; except, no lesser district, absorbed as a subdistrict into a primary drainage basin conservancy district, shall be subject to a general obligation bond tax by the primary district when the lesser district has a bond tax of its own, unless the primary district tax provides for the assumption of the lesser district bonds; and provided further, that no bond tax shall be levied upon said lesser district until a sufficient time shall have expired that would have permitted said district to have retired all of the bonds originally voted and retired if said bond tax had been levied to retire the original amount of the bonds voted and retired by a bond tax levied upon the assessed valuation within said lesser district.

8. The board of trustees, chief engineer, attorney, secretary and other officers, agents and employees of the district shall, so far as it may be necessary, serve in the same capacities for such subdistrict. Contracts and agreements between the district and the subdistrict may be made. The distribution of administrative expense between the district and subdistrict shall be in proportion to the interests involved and the amount of service rendered, such division to be made by the board of trustees.

9. Any subdistrict may be disincorporated in the same manner as provided herein for a conservancy district insofar as securing a vote of disincorporation is concerned. If

disincorporation is voted, the board of trustees shall have the sole responsibility for all liquidating, taxing, financial, and other procedures, shall have the authority to exercise such taxing power of the subdistrict as is necessary to dispose of any indebtedness of the subdistrict, and shall, upon payment of all debts of the subdistrict, consolidate into the district all else formerly a part of the subdistrict for such action or procedure as would be the case in the regular prosecution of its affairs by the district.

(L. 1959 S.B. 199 § 31, A.L. 1978 H.B. 971)

8/28/1978



257.320. Existing improvement districts not deprived of rights — cooperative contracts — approval of future plans. — 1. Nothing in this chapter shall be so construed as to deprive any present levee, drainage, flood prevention, bank protection, sewer or other special soil or water district now organized and operating under laws of this state from exercising any of its rights or powers thereunder.

2. Agreements between such special district board and the board of trustees of a conservancy district may be made whenever mutually desirable by joint resolution of the boards of such special district board and the board of trustees of a conservancy district, which joint resolution may be passed either at a joint meeting or at separate meetings of the special district board and the board of trustees of a conservancy district.

3. Hereafter, no such special district or any new special district shall prepare and submit final plans and specifications for its improvements until they are first approved by the board of trustees of the conservancy district in which the special district wholly or partly lies. If the governing board of the special district and the board of trustees of the conservancy district cannot agree within a reasonable time upon the plans or specifications, either party may submit the plans or specifications for adjudication to the court having jurisdiction over the conservancy district.

4. Such special district may determine to appoint the board of trustees of the conservancy district as its governing board and the board of trustees may so act by vote spread upon its minutes.

5. By joint agreement of the respective boards, the chief engineer, attorney or other employees of the conservancy district may serve as joint employees of both districts, and the division of expense therefor shall be by equitable written agreement filed for public inspection.

(L. 1959 S.B. 199 § 32)

8/28/1959

257.330. Funds of district, how kept — cost of plans, how paid — use of surplus.

— 1. The moneys of every conservancy district organized hereunder shall consist of five separate funds:

(1) **Preliminary fund**, which shall include the proceeds of the organization tax authorized by this chapter and such advancements as may be made from the general county funds as provided in this chapter;

(2) **Bond fund**, which shall include the proceeds of the sale of general obligation river basin conservancy bonds;

(3) **Amortization fund**, which shall include the proceeds of levies made for interest on and amortization of general obligation bonds issued under the provisions of this chapter;

(4) **General fund**, which shall include all other revenues together with the proceeds of annual levies made for the purposes of administration, current expenses, improvements and facilities and for the maintenance and operation of the district; and

(5) **Aid fund**, which shall include any fund for aiding the work of the district furnished by the United States, this state, other states, public corporations, or persons.

2. It is intended that the cost of general improvements made or facilities provided by the district shall include the cost of preparing the official plans and specifications therefor, of any appraisals occasioned thereby, of any lands or property purchased or condemned therefor and of the entire cost of engineering, construction and superintendence, and all charges incidental thereto, and that the same may be paid for out of the bond fund from the proceeds of general obligation bonds issued for such improvements or facilities.

3. No vouchers shall be drawn against any fund until an authorizing resolution therefor shall have been properly passed by the board of trustees, and duly entered upon its records.

4. Any surplus funds in the treasury of the district may be used for retiring bonds, reducing the rate of assessment or for accomplishing any other of the legitimate objects of the district.

(L. 1959 S.B. 199 § 33, A.L. 1961 p. 463)

8/28/1961

257.340. Use of money received as aid from public agency. — 1. The board of trustees, in accepting financial aid from the United States government, the state, any public corporation or any person for the purposes of the district, shall place the funds in the aid fund, to be expended only for the specific purposes for which they were given. If any surplus remains after the accomplishment of such specific purpose, the balance may be transferred to the general fund.

2. Any public corporation may aid a district whenever its appropriating body duly makes appropriations therefor.

(L. 1959 S.B. 199 § 34)

8/28/1959



257.350. Organization tax — pledge of anticipated revenues. — 1. As soon as any district is organized under this chapter, and a board of trustees is selected and qualified, all tangible property in the district may be taxed not to exceed one mill on each dollar of the assessed valuation thereof per annum for a period not to exceed three years. The tax moneys shall be used for paying expenses of organization, for preliminary surveys and plans, and for other incidental expenses which may be necessary to the proper establishment of the district. Such organization tax shall be certified by the board of trustees to the various county commissions of the various counties and by them extended upon the tax books and certified to the respective collectors of revenue of their counties. If the items of expense have already been paid in whole or in part from other sources, they may be repaid from the receipts of the levy. The collection of the tax levy shall conform in all matters to the collection of taxes and assessments for the district outlined in this chapter and the same provisions concerning the nonpayment of taxes shall apply.

2. In order to facilitate the preliminary work and establishment of the district, the board of trustees may borrow money, authorized by a resolution therefor, at a rate of interest not exceeding six percent per annum, may issue and sell or pay to contractors or others, negotiable evidence of debt (herein called warrants) therefor signed by the president and secretary of the board of trustees and may pledge (after it has been levied) the organization tax of not exceeding one mill on each one dollar of assessed valuation per annum for the repayment thereof. If any warrant issued by the board of trustees is presented for payment and is not paid for want of funds in the treasury that fact with the date of refusal shall be endorsed on the back of the warrant and the warrant shall thereafter draw interest at the rate of six percent until such time as there is money on hand sufficient to pay the amount of the warrant with interest.

(L. 1959 S.B. 199 § 35)

8/28/1959

257.360. Levy and collection of taxes generally, rates — increase to be voted at election, limit. — 1. The county clerk of each county within the district shall certify to the secretary of the board of trustees the total assessed valuation of all taxable tangible property lying within the district in his county. Thereupon, the board of trustees shall determine the rates of taxation necessary to be levied for the amortization fund and for the general fund for the year and shall direct the secretary to certify the rates to the county clerk of each county in which the district is situated. The several county clerks shall thereupon extend the rates upon and against the assessed valuation of all taxable tangible property lying within the district and shall certify the taxes to the collectors of revenue of their respective counties, who shall proceed to collect and enforce the taxes in like manner as state and county taxes are collected and enforced and shall make remittances of their collections monthly to the treasurer of the district.

2. The rate levied for the general fund shall in no year exceed one mill on each one dollar assessed valuation of taxable tangible property in such district, except as follows:

(1) When the board determines that needs for general fund moneys are greater than the one mill tax will provide and thereupon determines the rate of taxation necessary to be levied in excess of the authorized rate;

(2) When, accordingly, the question is submitted by the board to the electorate of the district in the same manner as provided in this chapter for bond elections;

(3) When, at such election, the increase is approved for a year, by a majority vote of those voting, or, in excess of one year and not to exceed four years, by a two-thirds vote of those voting; and provided that any such increase in the tax rate for the general fund shall in no year exceed two mills on each one dollar assessed valuation of taxable tangible property in the district.

3. In the event that an increase in the tax rate is voted as prescribed, the procedure for collection shall be as for any general fund levy.

(L. 1959 S.B. 199 § 36)

8/28/1959

257.370. General obligation bonds authorized, limits, terms, form — election required — vote required — levy and collection of tax to pay. — 1. The board of trustees of any river basin conservancy district may issue general obligation bonds for

and on behalf of the district for the purpose of providing funds to carry out the official plan or plans of the district. The bonds shall not exceed, including existing indebtedness of the district, an amount equal to five percent of the assessed valuation of taxable tangible property in the district, to be ascertained by the last completed assessment for state and county purposes made previous to the incurring of the indebtedness. The bonds shall be issued in the denomination of one hundred dollars each, or some multiple thereof, to bear interest at a rate not exceeding six percent per annum, payable semiannually, and to become due and payable at the times the board of trustees determines by order of record, not exceeding twenty years from date of issue. All bonds shall be signed by the president of the board, and attested by the signature of the secretary of the board, with the seal of the district affixed; and all interest coupons shall be executed by the lithographed facsimile signatures of the officers.

2. Whenever a conservancy district proposes to issue bonds as aforesaid, it shall submit the question to the voters of the district. The notice of election shall state the amount and purpose of bonds to be issued, the polling place at which the election is to be held.

3. The results of the submission of the question shall be entered upon the records of the board of trustees.

4. If it appears that the constitutionally required percentage of the voters voting on the question have voted in favor of the issuance of the bonds, the board of trustees shall order and direct the execution of the bonds for and on behalf of the district and shall provide for the levy and collection of a direct annual tax upon all the taxable property in the district sufficient to provide for the payment of the principal and interest of the bonds so authorized as they respectively become due.

5. It shall be the duty of the secretary of the board, on or before the first day of May in each year, or the state auditor immediately thereafter, in case the secretary of the board fails or neglects so to do, to certify to the respective county clerks of the counties within the district the amount of money that will be required during the next succeeding year to pay interest falling due on bonds issued and the principal of bonds maturing during such year. Upon receipt of the certificate, it shall be the duty of the county clerks to levy and extend upon the tax books such a rate of taxation upon all taxable tangible property in the district as will raise the sum of money required for the purposes aforesaid.

6. All of the laws, rights and remedies of the state of Missouri for the collection of state, county, school and other taxes shall be applicable to the collection of taxes herein

authorized to be collected.

(L. 1959 S.B. 199 § 37, A.L. 1978 H.B. 971, A.L. 1990 H.B. 1621)

8/28/1990



257.380. Form of ballot. — The ballots of a conservancy district election held upon the question of issuing bonds shall be in substantially the following form:

Shall the _____ Conservancy District issue bonds in the amount of _____ dollars for the purpose of _____?

(L. 1959 S.B. 199 § 38, A.L. 1978 H.B. 971, A.L. 1986 H.B. 1554 Revision)

8/28/1986

257.390. Public sale of bonds, minimum price — use of proceeds. — The board of trustees on behalf of the district shall sell its bonds to the best advantage at public sale on sealed bids but for no less than ninety-five cents on the dollar and the proceeds shall be paid over to the treasurer of the district, who shall disburse the proceeds on order of the board of trustees in payment of costs incidental to the holding of the election, the issuance of the bonds and in paying the costs of constructing and carrying into execution the plan of improvement adopted for the district. The sale of the bonds shall be publicly advertised for such time and in such manner as the board directs.

(L. 1959 S.B. 199 § 39)

8/28/1959

257.400. Tax lien not affected by disincorporation or failure of action — enforcement. — 1. In the event of the disincorporation of any conservancy district pursuant to the provisions of this chapter, the disincorporation shall not affect the lien of any tax imposed pursuant to the provisions of this chapter, or the liability of any property in the district to the levy of any future tax for the purpose of paying the principal of and interest on any bonds issued hereunder.

2. In that event, or in the event of any failure on the part of the officers of any district to qualify and act, or in the event of any resignations or vacancies in office, which prevent action by the district or by its proper officers, it shall be the duty of the county clerk and of all other officers charged in any manner with the duty of assessing, levying and collecting taxes for public purposes in any county, municipality or political subdivision in which such lands shall be situated, to do and perform all acts which may be necessary and requisite to the collection of any such tax which has been

imposed and to the levying, imposing and collecting of any tax which it may be necessary to make for the purpose of paying the principal and interest of the bonds.

3. Any holder of any bonds issued pursuant to the provisions of this chapter or any person or officer being a party in interest, may either at law or in equity by suit, action or mandamus, enforce and compel performance of the duties required by this chapter of any of the officers or persons mentioned in this chapter.

(L. 1959 S.B. 199 § 40)

8/28/1959



257.410. Failure to collect taxes, penalty. — Any collector of revenue or other person entrusted with the collection of taxes who refuses, fails or neglects to make prompt payment of the same or any part thereof collected under this chapter to the treasurer of the district upon his presentation of a proper demand, shall pay a penalty of ten percent on the amount of his delinquency; and such penalty shall become due and payable at once, and both he and his sureties shall be liable therefor on his official bonds.

(L. 1959 S.B. 199 § 41)

8/28/1959

257.430. Profiting by officer from district contracts or moneys, penalty — liability. — The making of profit, directly or indirectly, by any officer of any district organized under this chapter, or by any other public officer within the state, out of any contracts entered into by the district, or the use of any money belonging to a district by loaning it or otherwise using it, or by depositing the same in any manner, contrary to law, or by removal of any money by any officer or by his consent and placing it elsewhere than is prescribed either by law or by the official acts of the board of trustees, for the purpose of profit, constitutes a felony, punishable by imprisonment for a term not exceeding two years, or a fine not exceeding five thousand dollars, or both fine and imprisonment; and the officer offending shall be liable personally and upon his official bond for all losses to the district and for all profits realized by such unlawful use of moneys.

(L. 1959 S.B. 199 § 43)

8/28/1959

257.440. Performance of duties compelled by mandamus. — The performance of all duties prescribed in this chapter concerning the organization, administration and

operation of the district may be enforced against any officer or against any person or public corporation refusing to comply with any order of the board by mandamus at the instance of the board of trustees or of any person or public corporation interested in any way in such district or proposed district.

(L. 1959 S.B. 199 § 44)

8/28/1959



257.450. Disincorporation, procedure — approval at election — appointment of receiver, duties. — 1. Disincorporation of a conservancy district may be accomplished by a vote therefor on the submission of the question to the voters of the district. The submission is initiated as follows:

(1) When the board determines the disincorporation is desirable after a hearing on the subject is held, provided that notice of such hearing is made by publication setting a time for the hearing and citing the reasons for the proposed need to disincorporate, and the board makes its decision for disincorporation within thirty days after the hearing is concluded, and on such decision calls forthwith for a disincorporation election; or

(2) When the number of registered voters which would be necessary to regularly initiate proceedings for establishment of the district petitions the board for a disincorporation election. The determination of the validity of the petition signatures and the petition shall be bound by the same provisions, as such would apply to this section, as for those of petitioners initiating action for a proposed district as provided in this chapter. When the board determines that the petition is valid it shall call a hearing as on its own motion to disincorporate. After the hearing is concluded with no withdrawal of the petition as provided for in this section, the board shall submit the question to the voters of the district.

2. Whenever notice of publication of a hearing on disincorporation is ordered, the secretary of the board shall report the action to the official state agency designated by the governor to review plans of the district.

3. A majority of petitioners on a disincorporation petition may withdraw the petition and thereby terminate the proceedings at any time before the hearing is concluded.

4. In no case may disincorporation proceedings be initiated and carried forward unless at least one plan for the district has been prepared and finally approved as an official plan.

5. The question shall be submitted in substantially the following form:

Shall the _____ Conservancy District be disincorporated?

6. A vote of a majority of those voting is required for disincorporation.

7. When disincorporation is voted as provided in this section, the board of trustees shall certify the result to the court, whereupon the court shall appoint a competent person from within the district as receiver. The receiver shall have, under order of the court, such powers and responsibilities, as such would apply to this section, as provided by law for receivers in the liquidation of general and business corporations; shall have, under court order, the authority to exercise such taxing power of the district as is necessary to dispose of the bonded and other indebtedness of the district; and shall be considered, for the purpose of this section and related portions of this chapter, to be an officer of the district. Upon appointment of a receiver by the court, the power and authority of the trustees of the district to function as the board of the district ceases, and the offices of trustees terminate, subject to whatever orders the court may issue for securing the aid of the trustees in liquidation of the district.

8. When the receiver has closed the affairs and paid all debts of the district, he shall, subject to any further and necessary orders of the court, take action as follows:

(1) Pay to the county commission of each county within the district the money remaining in his hands, on the basis of a pro rata to each county commission as the taxes paid from each county to the district in the last full year of district tax collection under the board of trustees relate to the total district tax collection in said year; except that, in event the life of the district under the board does not encompass a full year of tax collection, the basis of payment shall be, as the court shall order, in a manner as similar as possible to such pro rata;

(2) File all data, plans and other official records of the district with the clerk of the court, which records shall be matters of public record available to any interested person.

(L. 1959 S.B. 199 § 45, A.L. 1978 H.B. 971, A.L. 1990 H.B. 1070)

8/28/1990

257.460. Defective notice of any proceeding, effect. — In any case of a proceeding before the court where a notice is provided for in this chapter, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not be void; but the court shall in that case order due notice to be given, and shall continue the hearing until such time as notice shall be

properly given, and thereupon shall proceed as though notice had been properly given in the first instance. In case the original notice as a whole was sufficient, and was faulty only with reference to publication as to certain tracts or areas, only the owners of and persons interested in those particular tracts or areas need be notified by such subsequent notice. If the publication of any notice in any county was defective or not made in time, republication of the defective notice need be had only in the county in which the defect occurred.

(L. 1959 S.B. 199 § 46)

8/28/1959

257.470. District liable for negligence. — Any district organized under the provisions of this chapter shall be liable for damages as a result of negligence of the district.

(L. 1959 S.B. 199 § 47)

8/28/1959

257.480. Law not applicable to metropolitan areas. — The provisions of this chapter shall not apply to any city having four hundred fifty thousand or more inhabitants, nor any county containing a city having four hundred fifty thousand or more inhabitants.

(L. 1959 S.B. 199 § 48)

8/28/1959

257.490. Liberal construction required. — This chapter being necessary for securing the public health, safety, convenience and welfare shall be liberally construed to effect the control, conservation and utilization of the resources of this state.

(L. 1959 S.B. 199 § 49)

8/28/1959

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. 

-
- ▶ **Other Links**
 - ▶ **Other Information**



Missouri Senate



MO.gov



Missouri House

© Missouri Legislature, all rights reserved.

Site errors / suggestions - webmaster@LR.mo.gov



Our flag's story



Over 42M page views.