

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 895
92ND GENERAL ASSEMBLY

Reported from the Committee on Local Government February 19, 2004, with recommendation that the House Committee Substitute for House Bill No. 895 Do Pass by Consent.

STEPHEN S. DAVIS, Chief Clerk

2487L.04C

AN ACT

To repeal section 233.295, RSMo, and to enact in lieu thereof one new section relating to dissolution of certain road districts, with an emergency clause.

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

Section A. Section 233.295, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 233.295, to read as follows:

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

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

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

20 YES NO

21

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

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

27 **4. Notwithstanding other provisions of this section to the contrary, in any county**
28 **of the first classification with more than one hundred four thousand six hundred but less**
29 **than one hundred four thousand seven hundred inhabitants, any petition to disincorporate**
30 **a road district organized under sections 233.170 to 233.315 shall be presented to the county**
31 **commission or similar authority. The petition shall be signed by the lesser of fifty or a**
32 **majority of the registered voters residing within the district, shall state the name of the**
33 **district, and shall request the disincorporation of the district. If a petition is submitted as**
34 **authorized in this section, and it is the opinion of the county commission that the public**
35 **good will be advanced by the disincorporation after providing notice and a hearing as**
36 **required in section 233.295, then the county commission shall disincorporate the road**
37 **district. This subsection shall not apply to any road district located in two counties.**

Section B. Because immediate action is necessary to provide fiscal relief to certain
2 incorporated road districts, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act shall be in full
5 force and effect upon its passage and approval.