

SECOND REGULAR SESSION

HOUSE BILL NO. 1161

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (118) (Sponsor), WOOD, HARRIS (110), ENGLER,
WILSON (119), MUNZLINGER, LIPKE, MOORE, CROWELL, WILSON (130), SCHLOTTACH,
STEVENSON, MYERS AND SANDER (Co-sponsors).

Read 1st time January 20, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3074L.011

AN ACT

To repeal section 49.650, RSMo, and to enact in lieu thereof one new section relating to county ordinances and resolutions.

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

Section A. Section 49.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 49.650, to read as follows:

49.650. 1. The governing authority of each county [of the first, second, or fourth classification] without a charter form of government shall have the power to adopt ordinances or resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution of this state or state statute regarding the following:

(1) County roads controlled by the county;

(2) Emergency management, as it specifically relates to the actual occurrence of a natural or man-made disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized;

(3) Nuisance abatement, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

(4) Storm water control, excluding agricultural and horticultural property as defined in section 137.016, RSMo;

(5) The promotion of economic development for job creation purposes; and

(6) Parks and recreation.

15

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law. Matter in boldface type in the above law is proposed language.

16 If any such ordinance, order, or resolution conflicts with a municipal, fire protection district, or
17 ambulance district ordinance, the provisions of such municipality, fire protection district, or
18 ambulance district shall prevail within the corporate boundaries of the municipality, of such
19 municipality, fire protection district, or ambulance district. All ordinances adopted pursuant to
20 this section shall remain effective until repealed or amended by the governing authority, except
21 that the general assembly shall have the power to further define, broaden, limit, or otherwise
22 regulate the power of each such county to adopt ordinances, resolutions, or regulations.

23 2. The governing body of each county [of the first, second, or fourth classification]
24 without a charter form of government may submit to the qualified voters of the county any
25 ordinance, resolution, or regulation proposed pursuant to this section for the approval of the
26 qualified voters of the county. Any ordinance, resolution, or regulation submitted to the
27 qualified voters pursuant to this section shall become effective if a majority of the qualified
28 voters voting on the ordinance, resolution, or regulation are in favor of its adoption, but no
29 ordinance, resolution, or regulation shall become effective if a majority of the qualified voters
30 voting on the ordinance, resolution, or regulation are opposed to its adoption.

31 3. Notwithstanding any other provision of this section to the contrary, no tax or fee shall
32 be submitted to the voters of the county unless the tax or fee has been authorized by statute by
33 the general assembly.

34 4. No county of the first, second, **third**, or fourth classification shall have the power to
35 adopt any ordinance, resolution, or regulation pursuant to this section governing any railroad
36 company, telecommunications or wireless companies, public utilities, rural electric cooperatives,
37 or municipal utilities.