

SECOND REGULAR SESSION

HOUSE BILL NO. 1225

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (118).

Pre-filed January 3, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3294L.01I

AN ACT

To repeal section 228.040, RSMo, and to enact in lieu thereof one new section relating to establishment of county roads.

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

Section A. Section 228.040, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 228.040, to read as follows:

228.040. When the petition required by section 228.020 is presented, and upon proof of notice having been given as required in section 228.030, if no remonstrance is filed and if the petitioners give the right-of-way for the proposed road or pay into the county treasury an amount of money equal to the whole amount of damages claimed by landowners through whose land the proposed road would run, the county commission[, without discretion to do otherwise, must] **may** open said road **if the commission determines that it is in the public interest of the county**, and thereupon the commission shall proceed as in sections 228.010 to 228.190 provided in cases where upon a hearing the commission find it necessary to establish a road.

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