

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2047**  
**94TH GENERAL ASSEMBLY**

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Reported from the Committee on Economic Development, Tourism and Local Government, April 10, 2008, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

4783S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 88.917 and 231.444, RSMo, and to enact in lieu thereof two new sections relating to maintenance of roadways.

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

Section A. Sections 88.917 and 231.444, RSMo, are repealed and two new  
2 sections enacted in lieu thereof, to be known as sections 88.917 and 231.444, to  
3 read as follows:

88.917. Every city now having or which may at any time hereafter have  
2 a population of three hundred thousand inhabitants or over shall have at all  
3 times the power to establish the grade and change the grade already established,  
4 of any street, alley, avenue, public highway or public place, or any part thereof,  
5 as often as it may be deemed best for the public interest, and to cause the same  
6 or any part thereof to be graded to the established grade or to any change  
7 thereof[;]. Provided, however, that when a change is proposed to be made in the  
8 grade of any street, alley, avenue, public highway or public place, or any part  
9 thereof, which has once been established, the [two houses of legislation of such]  
10 city shall by [resolution] **ordinance** declare the work of improvement to be  
11 necessary, and cause such [resolution] **ordinance**, or the substance thereof, to  
12 be published in the newspaper doing the city printing, for ten days, Sundays  
13 included[; and]. Unless the resident owners of the city who shall own the  
14 majority in front feet of all the lands belonging to such residents fronting on the  
15 street, alley, avenue, public highway, public place, or part thereof to be improved,  
16 [shall,] within thirty days after the first day of the publication of such  
17 [resolution] **ordinance**, file with the city register their remonstrance against the

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 proposed change, then the [two houses of legislation of such city shall have power  
19 by] ordinance to cause the proposed change to be made[;] **shall become**  
20 **effective**. Provided further, however, that when the charter of any such city  
21 shall require that such [resolution or] ordinance shall, before being passed, be  
22 recommended by a board of public improvements, or other authority of such city,  
23 then the same shall, before being passed, be recommended as therein required.  
24 If the remonstrance of the resident property owners above mentioned shall be  
25 filed with the city register, as herein provided, the [power of the two houses of  
26 legislation] **ordinance** to make the proposed change in the grade of such street,  
27 alley, avenue, public highway or public place, or any part thereof, shall [cease]  
28 **not become effective** until a sufficient number of the persons so remonstrating  
29 or their grantees shall, in writing, withdraw their names or the property  
30 represented by them from such remonstrance, so that said remonstrance shall  
31 cease to represent a majority of the resident owners as above provided[, when the  
32 two houses of legislation may again proceed in the manner above mentioned].

231.444. 1. In addition to other levies authorized by law, the governing  
2 body of any county of the third classification without a township form of  
3 government having a population [in excess of four thousand two hundred and less  
4 than six thousand] **of less than six thousand inhabitants** according to the  
5 most recent decennial census [or any county of the third classification without a  
6 township form of government and with more than two thousand three hundred  
7 but fewer than two thousand four hundred inhabitants] may by ordinance levy  
8 and impose a tax pursuant to this section which shall not exceed the rate of  
9 [twenty-five cents] **one-dollar** on each acre of real property in the county which  
10 is classified as agricultural and horticultural property pursuant to section  
11 137.016, RSMo.

12 2. The proceeds of the tax authorized pursuant to this section shall be  
13 collected by the county collector and remitted to the county treasurer who shall  
14 deposit such proceeds in a special fund to be known as the "Special Road Rock  
15 Fund". All moneys in the special road rock fund shall be appropriated by the  
16 county governing body for the sole purpose of purchasing road rock to be placed  
17 on county roads within the boundaries of the county.

18 3. The ordinance levying and imposing a tax pursuant to subsection 1 of  
19 this section shall not be effective unless the county governing body submits to the  
20 qualified voters of the county a proposal to authorize the county governing body  
21 to levy and impose the tax at an election permitted pursuant to section 115.123,

22 RSMo. The ballot of submission proposing the tax shall be in substantially the  
23 following form:

24        Shall the county of ..... (county's name) be authorized to levy and  
25 impose a tax on all real property in the county which is classified as agricultural  
26 or horticultural property at a rate not to exceed ..... (rate of tax) cents per acre  
27 with all the proceeds of the tax to be placed in the "Special Road Rock Fund" and  
28 used solely for the purpose of purchasing road rock to be placed on county roads  
29 within the boundaries of the county?

30                                ☐ YES                                ☐ NO

31        4. If a majority of the qualified voters of the county voting on the proposal  
32 vote "YES", then the governing body of the county may by ordinance levy and  
33 impose the tax authorized by this section in an amount not to exceed the rate  
34 proposed in the ballot of submission. If a majority of the qualified voters of the  
35 county voting on the proposal vote "NO", then the governing body of the county  
36 shall not levy and impose such tax. Nothing in this section shall prohibit a  
37 rejected proposal from being resubmitted to the qualified voters of the county at  
38 an election permitted pursuant to section 115.123, RSMo.

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