

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2047**  
**94TH GENERAL ASSEMBLY**

4783S.02T

2008

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Section A. Sections 88.917 and 231.444, RSMo, are repealed and two new sections  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

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

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.

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

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

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

15 3. The ordinance levying and imposing a tax pursuant to subsection 1 of this section shall  
16 not be effective unless the county governing body submits to the qualified voters of the county  
17 a proposal to authorize the county governing body to levy and impose the tax at an election  
18 permitted pursuant to section 115.123, RSMo. The ballot of submission proposing the tax shall  
19 be in substantially the following form:

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

25 ☐ YES

☐ NO

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

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