

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 598,
2 Page 2, Section 227.240, Line 44, by inserting after all of said section and line the following:

3
4 "263.245. 1. Subject to voter approval under section 263.247, all owners of land in:

5 (1) Any county with a township form of government, located north of the Missouri River
6 and having no portion of the county located east of U.S. Highway 63 [and located in];

7 (2) Any county of the third classification without a township form of government and with
8 more than four thousand one hundred but fewer than four thousand two hundred inhabitants[,]; or
9 [in]

10 (3) Any county of the third classification without a township form of government and with
11 more than two thousand three hundred but fewer than two thousand four hundred inhabitants

12
13 shall control all brush growing on such owner's property that is designated as the county right-of-
14 way or county maintenance easement part of such owner's property and which is adjacent to any
15 county road. Such brush shall be cut, burned, or otherwise destroyed as often as necessary in order
16 to keep such lands accessible for purposes of maintenance and safety of the county road and to
17 prevent brush from interfering with any vehicle that may travel the road.

18 2. The county commission, either upon its own motion or upon receipt of a written notice
19 requesting the action from any residents of the county in which the county road bordering the lands
20 in question is located or upon written request of any person regularly using the county road, may
21 control such brush so as to allow easy access to the land described in subsection 1 of this section,
22 and for that purpose the county commission, or its agents, servants, or employees shall have
23 authority to enter on such lands without being liable to an action of trespass therefor, and shall keep
24 an accurate account of the expenses incurred in eradicating the brush, and shall verify such
25 statement under seal of the county commission, and transmit the same to the officer whose duty it is
26 or may be to extend state and county taxes on tax books or bills against real estate. Such officer
27 shall extend the aggregate expenses so charged against each tract of land as a special tax, which
28 shall then become [a lien on such lands,] due on such landowner's real and personal property tax
29 assessment and be collected as state and county taxes are collected by law and paid to the county
30 commission and credited to the county control fund.

Action Taken _____ Date _____

1 3. Before proceeding to control brush as provided in this section, the county commission of
2 the county in which the land is located shall notify the owner of the land of the requirements of this
3 law [by certified mail, return receipt requested, from a list] in writing using any mail service with
4 delivery tracking and an address supplied by the officer who prepares the tax list[,] and shall allow
5 the owner of the land thirty days from [acknowledgment date of return receipt, or] the date of
6 [refusal of acceptance of] delivery [as the case may be,] to eradicate all such brush growing on land
7 designated as the county right-of-way or county maintenance easement part of such owner's land
8 and which is adjacent to the county road. In the event that the property owner cannot be located by
9 [certified] mail, notice shall be placed in a newspaper of general circulation in the county in which
10 the land is located at least thirty days before the county commission removes the brush pursuant to
11 subsection 2 of this section. Such property owner shall be granted an automatic thirty-day extension
12 due to hardship by notifying the county commission that such owner cannot comply with the
13 requirements of this section, due to hardship, within the first thirty-day period. The property owner
14 may be granted a second extension by a majority vote of the county commission. There shall be no
15 further extensions. For the purposes of this subsection, "hardship" may be financial, physical or any
16 other condition that the county commission deems to be a valid reason to allow an extension of time
17 to comply with the requirements of this section.

18 4. County commissions shall not withhold rock, which is provided from funds from the
19 county aid road trust fund, for maintaining county roads due to the abutting property owner's refusal
20 to remove brush located on land designated as the county right-of-way or county maintenance
21 easement part of such owner's land. County commissions shall use such rock on the county roads,
22 even though the brush is not removed, or county commissions may resort to the procedures in this
23 section to remove the brush.

24 5. The county right-of-way or county maintenance easement shall extend fifteen feet from
25 the center of the county road or the distance set forth in the original conveyance, whichever is
26 greater. For purposes of this subsection, the "center of the county road" shall be the point
27 equidistant from both edges of the drivable ground of the road in its current condition.

28 6. In the event a county is required to obtain a land survey to enforce this section, the costs
29 of such survey shall be divided equally between the county and the landowner."; and

30
31 Further amend said bill by amending the title, enacting clause, and intersectional references
32 accordingly.