

FIRST REGULAR SESSION

# HOUSE BILL NO. 986

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MURPHY.

2214H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal sections 64.570, 64.820, 65.665, and 89.380, RSMo, and to enact in lieu thereof five new sections relating to libraries.

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

Section A. Sections 64.570, 64.820, 65.665, and 89.380, RSMo, are repealed and five  
2 new sections enacted in lieu thereof, to be known as sections 64.570, 64.820, 65.665, 89.380,  
3 and 182.819, to read as follows:

64.570. **1.** From and after the adoption of the official master plan or portion thereof  
2 and its proper certification and recording, thereafter no improvement of a type embraced  
3 within the recommendations of such official master plan or part thereof shall be constructed  
4 or authorized without first submitting the proposed plans thereof to the county planning  
5 commission and receiving the written approval or recommendations of said commission.  
6 This requirement shall be deemed to be waived if the county planning commission fails to  
7 make its report and recommendations within forty-five days after receipt of the proposed  
8 plans.

9 **2. (1)** In the case of any public improvement sponsored or proposed to be made by  
10 any municipality or other political or civil subdivision of the state, or public board,  
11 commission or other public officials, the disapproval or recommendations of the county  
12 planning commission may be overruled by a two-thirds vote, properly entered of record and  
13 certified to the county planning commission, of the governing body of such municipality, or  
14 other political or civil subdivision, or public board, commission or officials, after the reasons  
15 for such overruling are spread upon its minutes, which reasons shall also be certified to the  
16 county planning commission.

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           **(2) Notwithstanding the provisions of subdivision (1) of this subsection, a board**  
18 **governing a library established under chapter 182 shall not have the power to overrule**  
19 **the disapproval or recommendations of the county planning commission.**

64.820. 1. From and after the adoption of the official master plan or portion thereof  
2 and its proper certification and recording, thereafter no improvement of a type embraced  
3 within the recommendations of the official master plan, or part thereof, shall be constructed or  
4 authorized without first submitting the proposed plans thereof to the county planning  
5 commission and receiving the written approval or recommendations of the commission. This  
6 requirement shall be deemed to be waived if the county planning commission fails to make its  
7 report and recommendations within forty-five days after receipt of the proposed plans.

8           **2. (1)** In the case of any public improvement sponsored or proposed to be made by  
9 any municipality or other political or civil subdivision of the state, or public board,  
10 commission or other public officials, the disapproval or recommendations of the county  
11 planning commission may be overruled by a two-thirds vote, properly entered of record and  
12 certified to the county planning commission, of the governing body of the municipality, or  
13 other political or civil subdivision, or public board, commission or officials, after the reasons  
14 for the overruling are spread upon its minutes, which reasons shall also be certified to the  
15 county planning commission.

16           **(2) Notwithstanding the provisions of subdivision (1) of this subsection, a board**  
17 **governing a library established under chapter 182 shall not have the power to overrule**  
18 **the disapproval or recommendations of the county planning commission.**

65.665. 1. From and after the adoption of the official master plan or portion thereof  
2 and its proper certification and recording, thereafter no improvement of a type embraced  
3 within the recommendations of such official master plan or part thereof shall be constructed  
4 or authorized without first submitting the proposed plans thereof to the township planning  
5 commission and receiving the written approval or recommendations of the township planning  
6 commission. This requirement shall be deemed to be waived if the township planning  
7 commission fails to make its report and recommendations within forty-five days after receipt  
8 of the proposed plans.

9           **2. (1)** In the case of any public improvement sponsored or proposed to be made by  
10 any municipality or other political or civil subdivision of the state, or public board,  
11 commission or other public officials, the disapproval or recommendations of the township  
12 planning commission may be overruled by a two-thirds vote properly entered of record and  
13 certified to the township planning commission, of the governing body of such municipality, or  
14 other political or civil subdivision, or public board, commission or officials, after the reasons  
15 for such overruling are spread upon its minutes, which reasons shall also be certified to the  
16 township planning commission.

17           **(2) Notwithstanding the provisions of subdivision (1) of this subsection, a board**  
18 **governing a library established under chapter 182 shall not have the power to overrule**  
19 **the disapproval or recommendations of the township planning commission.**

89.380. 1. Whenever the commission adopts the plan of the municipality or any part  
2 thereof, no street or other public facilities, or no public utility, whether publicly or privately  
3 owned, and, the location, extent and character thereof having been included in the  
4 recommendations and proposals of the plan or portions thereof, shall be constructed or  
5 authorized in the municipality until the location, extent and character thereof has been  
6 submitted to and approved by the planning commission.

7           **2.** In case of disapproval the commission shall communicate its reasons to the  
8 council, and the council, by vote of not less than two-thirds of its entire membership, may  
9 overrule the disapproval and, upon the overruling, the council or the appropriate board or  
10 officer may proceed~~[, except that]~~.

11           **3. Notwithstanding the provisions of subsection 2 of this section,** if the public  
12 facility or utility is one the authorization or financing of which does not fall within the  
13 province of the council, ~~[then]~~ **the following provisions shall apply:**

14           **(1)** The submission to the planning commission shall be by the board having  
15 jurisdiction~~[;]~~; and

16           **(2)** The planning commission's disapproval may be overruled by ~~[that]~~ **the board**  
17 **described in subdivision (1) of this subsection** by a vote of not less than two-thirds of its  
18 entire membership, **except that a board governing a library established under chapter**  
19 **182 shall not have the power to overrule the planning commission's disapproval.**

20           **4.** The acceptance, widening, removal, extension, relocation, narrowing, vacation,  
21 abandonment, change of use, acquisition of land for, sale or lease of any street or other public  
22 facility is subject to similar submission and approval, and the failure to approve may be  
23 similarly overruled **to the extent allowed under subsection 3 of this section.**

24           **5.** The failure of the commission to act within sixty days after the date of official  
25 submission to it shall be deemed approval.

**182.819. 1. Notwithstanding any provision of this chapter or any other law, any**  
2 **real property owned by a board governing a library established under this chapter shall**  
3 **not be used for any purpose that violates any zoning ordinances or regulations adopted**  
4 **under chapter 64, 65, or 89 by the county, city, town, village, or township in which the**  
5 **real property is located. Any board governing a library established under this chapter**  
6 **shall:**

7           **(1) Be subject to such zoning ordinances or regulations with respect to its real**  
8 **property without regard to any powers of the board outlined in this chapter; and**

9           **(2) Not have the power to overrule any decision relating to zoning adopted under**  
10 **chapter 64, 65, or 89.**

11           **2. (1) Before any board governing a library established under this chapter**  
12 **purchases real property, the board shall issue notice to the public that contains:**

13           **(a) The price the board will pay for the real property;**

14           **(b) The appraised value of the real property; and**

15           **(c) The methodology used to determine the appraised value.**

16           **(2) The notice required in this subsection shall be published in a newspaper of**  
17 **general circulation in the county in which the real property is located for no less than**  
18 **two weeks before the purchase of the real property.**

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