

FIRST REGULAR SESSION

HOUSE BILL NO. 1048

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FALKNER.

2359H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 49.650, RSMo, and to enact in lieu thereof one new section relating to political subdivisions.

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

Section A. Section 49.650, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 49.650, to read as follows:

49.650. 1. The governing authority of each county without a charter form of government shall have the power to adopt ordinances or resolutions relating to its property, affairs, and local government for which no provision has been made in the constitution of this state or state statute regarding the following:

(1) County roads controlled by the county;

(2) Emergency management, as it specifically relates to the actual occurrence of a natural or man-made disaster of major proportions within the county when the safety and welfare of the inhabitants of such county are jeopardized;

(3) Nuisance abatement, excluding agricultural and horticultural property as defined in section 137.016;

(4) Storm water control, excluding agricultural and horticultural property as defined in section 137.016;

(5) The promotion of economic development for job creation purposes;

(6) Parks and recreation; and

(7) Protection of the environment from the risks posed by methamphetamine production. Nothing in this subdivision shall be construed to allow a noncharter county to adopt an ordinance or resolution regulating the sale or display at any retail outlet of any drug

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.

18 having an active ingredient of ephedrine, pseudoephedrine, phenylpropanolamine, or any of
19 their salts, optical isomers, or salts of optical isomers. Each county shall have the authority
20 by ordinance to authorize specified officeholders to receive donations for specified purposes
21 to defray costs of administration of programs set forth in said ordinance.

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23 If any such ordinance, order, or resolution conflicts with a municipal, fire protection district,
24 or ambulance district ordinance, the provisions of such municipality, fire protection district,
25 or ambulance district shall prevail within the corporate boundaries of the municipality, of
26 such municipality, fire protection district, or ambulance district. All ordinances adopted
27 pursuant to this section shall remain effective until repealed or amended by the governing
28 authority, except that the general assembly shall have the power to further define, broaden,
29 limit, or otherwise regulate the power of each such county to adopt ordinances, resolutions, or
30 regulations.

31 2. The governing body of each county without a charter form of government may
32 submit to the qualified voters of the county any ordinance, resolution, or regulation proposed
33 pursuant to this section for the approval of the qualified voters of the county. Any ordinance,
34 resolution, or regulation submitted to the qualified voters pursuant to this section shall
35 become effective if a majority of the qualified voters voting on the ordinance, resolution, or
36 regulation are in favor of its adoption, but no ordinance, resolution, or regulation shall
37 become effective if a majority of the qualified voters voting on the ordinance, resolution, or
38 regulation are opposed to its adoption.

39 3. Notwithstanding any other provision of this section to the contrary, no tax or fee
40 shall be submitted to the voters of the county unless the tax or fee has been authorized by
41 statute by the general assembly.

42 4. No **noncharter** county [~~of the first, second, third, or fourth classification~~] shall
43 have the power to adopt any ordinance, resolution, or regulation pursuant to this section
44 governing any railroad company, telecommunications or wireless companies, public utilities,
45 rural electric cooperatives, or municipal utilities.

46 5. No county commission of any county of the third classification shall enact an
47 ordinance with regard to agricultural operations under this section. Any zoning ordinance
48 adopted by any county of the third classification before August 28, 2004, shall be exempt
49 from this subsection.

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