

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 54

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LEMBKE (Sponsor), NIEVES, AVERY,  
EMERY AND BIVINS(Co-Sponsors).

Read 1st time March 29, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 21 of article VI of the Constitution of Missouri, and adopting one new section in lieu thereof relating to public nuisances.

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*Be it resolved by the House of Representatives, the Senate concurring therein:*

That at the next general election to be held in the state of Missouri, on Tuesday next  
2 following the first Monday in November, 2006, or at a special election to be called by the  
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for  
4 adoption or rejection, the following amendment to article VI of the Constitution of the state of  
5 Missouri:

Section A. Section 21, article VI, Constitution of Missouri, is repealed and one new  
2 section adopted in lieu thereof, to be known as section 21, to read as follows:

Section 21. Laws may be enacted, and any city or county operating under a constitutional  
2 charter may enact ordinances[, providing for the clearance, replanning, reconstruction,  
3 redevelopment and rehabilitation of blighted, substandard or insanitary areas, and for recreational  
4 and other facilities incidental or appurtenant thereto, and for taking or permitting the taking, by  
5 eminent domain, of property for such purposes, and when so taken the fee simple title to the  
6 property shall vest in the owner, who may sell or otherwise dispose of the property subject to  
7 such restrictions as may be deemed in the public interest] **which protect property owners from  
8 public nuisances, as defined by the common law. In the event that an owner of property**

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.

9 is found by a court of competent jurisdiction to be harboring such nuisance and has not  
10 fully abated the nuisance within a reasonable time after final judgment, any political  
11 subdivision of the state in which the nuisance exists may expend public funds to abate the  
12 nuisance and impose a lien on the offending property limited to an amount equal to the  
13 costs of the abatement and reasonable interest on such costs. Enforcement of the lien may  
14 be accomplished in the same manner as tax liens are enforced.

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