

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1358, Page 9, Section 71.009, Line 8,
2 by inserting after all of said line the following:

3 "72.080. 1. Any unincorporated city, town, or other area of the state may, except as
4 otherwise provided in sections 72.400 to 72.420, become a city of the class to which its
5 population would entitle it pursuant to this chapter, and be incorporated pursuant to the law for the
6 government of cities of that class, in the following manner: whenever a number of voters equal to
7 fifteen percent of the votes cast in the last gubernatorial election in the area proposed to be
8 incorporated shall present a petition to the governing body of the county in which such city, town,
9 or area is situated, such petition shall describe, by metes and bounds, the area to be incorporated
10 and be accompanied by a plat thereof, shall state the approximate population and the assessed
11 valuation of all real and personal property in the area and shall state facts showing that the
12 proposed city shall have the ability to furnish normal municipal services within a reasonable time
13 after its incorporation is to become effective and praying that the question be submitted to
14 determine if it may be incorporated. If the governing body shall be satisfied that a number of
15 voters equal to fifteen percent of the votes cast in the last gubernatorial election in the area
16 proposed to be incorporated have signed such petition, the governing body shall submit the
17 question to the voters.

18 2. The county may make changes in the petition to correct technical errors or to redefine
19 the metes and bounds of the area to be incorporated to reflect other boundary changes occurring
20 within six months prior to the time of filing the petition. Petitions submitted by proposing agents
21 may be submitted with exclusions for the signatures collected in areas originally included in the
22 proposal but subsequently annexed or incorporated separately as a city, town or village, although
23 the governing body shall be satisfied as to the sufficiency of the signatures for the final proposed
24 area. If a majority of the voters voting on the question vote for incorporation, the governing body
25 shall declare such city, town, or other area incorporated, designating in such order the metes and
26 bounds thereof, and thenceforth the inhabitants within such bounds shall be a body politic and
27 incorporate, by the name and style of "the city of", or "the town of
28", and the first officers of such city or town shall be designated by the order of
29 the governing body, who shall hold their offices until the next municipal election and until their

1 successors shall be duly elected and qualified. The county shall pay the costs of the election.

2 3. In any county with a charter form of government where fifty or more cities, towns and
3 villages have been incorporated, an unincorporated city, town or other area of the state shall not be
4 incorporated except as provided in sections 72.400 to 72.420.

5 4. Any unincorporated area with a private eighteen-hole golf course community and with
6 at least a one hundred acre lake located within any county of the first classification with more than
7 eighty-two thousand but less than eighty-two thousand one hundred inhabitants may incorporate
8 as a city of the class to which its population would entitle it pursuant to this chapter
9 notwithstanding any proposed annexation of the unincorporated area by any city of the third or
10 fourth classification or any home rule city with more than four hundred thousand inhabitants and
11 located in more than one county. If any city of the third or fourth classification or any home rule
12 city with more than four hundred thousand inhabitants and located in more than one county
13 proposes annexation by ordinance or resolution of any unincorporated area as [defined] described
14 in this subsection, no such annexation shall become effective until and only after a majority of the
15 qualified voters in the unincorporated area proposed to be incorporated fail to approve or oppose
16 the proposed incorporation by a majority vote in the election described in subsection 2 of this
17 section.

18 5. Prior to the election described in subsection 2 of this section, if the owner or owners of
19 either the majority of the commercial or the majority of the agricultural classification of real
20 property in the proposed area to be incorporated object to such incorporation, such owner or
21 owners may file an action in the circuit court of the county in which such unincorporated area is
22 situated, pursuant to chapter 527, praying for a declaratory judgment requesting that such
23 incorporation be declared unreasonable by the court. As used in this subsection, a "majority of the
24 commercial or agricultural classification" means a majority as determined by the assessed
25 valuation of the tracts of real property in either classification to be determined by the assessments
26 made according to chapter 137. The petition in such action shall state facts showing that such
27 incorporation including the real property owned by the petitioners is not reasonable based on the
28 same criteria as specified in subsection 3 of section 72.403 and is not necessary to the proper
29 development of the city or town. If the circuit court finds that such inclusion is not reasonable and
30 necessary, it may enjoin the incorporation or require the petition requesting the incorporation to be
31 resubmitted excluding all or part of the property of the petitioners from the proposed
32 incorporation.

33 6. In any county with a charter form of government and with more than two hundred
34 thousand but fewer than three hundred fifty thousand inhabitants, if any petition to incorporate a
35 proposed area under this section fails to be adopted, no petition to incorporate such area shall be
36 resubmitted to the governing body of the county during the three years immediately following the

1 disapproval of such incorporation."; and

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3 Further amend said bill by amending the title, enacting clause, and intersectional references
4 accordingly.