

House _____ Amendment NO. _____

Offered By

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

3
4 "71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
5 governing body of any city, town or village may annex unincorporated areas which are contiguous
6 and compact to the existing corporate limits of the city, town or village pursuant to this section. The
7 term "contiguous and compact" does not include a situation whereby the unincorporated area
8 proposed to be annexed is contiguous to the annexing city, town or village only by a railroad line,
9 trail, pipeline or other strip of real property less than one-quarter mile in width within the city, town
10 or village so that the boundaries of the city, town or village after annexation would leave
11 unincorporated areas between the annexed area and the prior boundaries of the city, town or village
12 connected only by such railroad line, trail, pipeline or other such strip of real property. The term
13 "contiguous and compact" shall include a situation whereby the unincorporated area proposed to be
14 annexed would be contiguous and compact to the existing corporate limits of the city, town, or
15 village but for an intervening state highway or interstate highway as defined in section 304.001, or
16 railroad right-of-way, regardless of whether any other city, town, or village has annexed such state
17 or interstate highway or railroad right-of-way or otherwise has an easement in such state or
18 interstate highway or railroad right-of-way. The term contiguous and compact does not prohibit
19 voluntary annexations pursuant to this section merely because such voluntary annexation would
20 create an island of unincorporated area within the city, town or village, so long as the owners of the
21 unincorporated island were also given the opportunity to voluntarily annex into the city, town or
22 village. Notwithstanding the provisions of this section, the governing body of any city, town or
23 village in any county of the third classification which borders a county of the fourth classification, a
24 county of the second classification and the Mississippi River may annex areas along a road or
25 highway up to two miles from existing boundaries of the city, town or village or the governing body
26 in any city, town or village in any county of the third classification without a township form of
27 government with a population of at least twenty-four thousand inhabitants but not more than thirty
28 thousand inhabitants and such county contains a state correctional center may voluntarily annex
29 such correctional center pursuant to the provisions of this section if the correctional center is along a
30 road or highway within two miles from the existing boundaries of the city, town or village.

31 2. (1) When a notarized petition, requesting annexation and signed by the owners of all fee
32 interests of record in all tracts of real property located within the area proposed to be annexed, or a
33 request for annexation signed under the authority of the governing body of any common interest
34 community and approved by a majority vote of unit owners located within the area proposed to be
35 annexed is presented to the governing body of the city, town or village, the governing body shall
36 hold a public hearing concerning the matter not less than fourteen nor more than sixty days after the

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1 petition is received, and the hearing shall be held not less than seven days after notice of the hearing
2 is published in a newspaper of general circulation qualified to publish legal matters and located
3 within the boundary of the petitioned city, town or village. If no such newspaper exists within the
4 boundary of such city, town or village, then the notice shall be published in the qualified newspaper
5 nearest the petitioned city, town or village. For the purposes of this subdivision, the term "common-
6 interest community" shall mean a condominium as said term is used in chapter 448, or a common-
7 interest community, a cooperative, or a planned community.

8 (a) A "common-interest community" shall be defined as real property with respect to which
9 a person, by virtue of such person's ownership of a unit, is obliged to pay for real property taxes,
10 insurance premiums, maintenance or improvement of other real property described in a declaration.
11 "Ownership of a unit" does not include a leasehold interest of less than twenty years in a unit,
12 including renewal options;

13 (b) A "cooperative" shall be defined as a common-interest community in which the real
14 property is owned by an association, each of whose members is entitled by virtue of such member's
15 ownership interest in the association to exclusive possession of a unit;

16 (c) A "planned community" shall be defined as a common-interest community that is not a
17 condominium or a cooperative. A condominium or cooperative may be part of a planned
18 community.

19 (2) At the public hearing any interested person, corporation or political subdivision may
20 present evidence regarding the proposed annexation. If, after holding the hearing, the governing
21 body of the city, town or village determines that the annexation is reasonable and necessary to the
22 proper development of the city, town or village, and the city, town or village has the ability to
23 furnish normal municipal services to the area to be annexed within a reasonable time, it may, subject
24 to the provisions of subdivision (3) of this subsection, annex the territory by ordinance without
25 further action.

26 (3) If a written objection to the proposed annexation is filed with the governing body of the
27 city, town or village not later than fourteen days after the public hearing by at least five percent of
28 the qualified voters of the city, town or village, or two qualified voters of the area sought to be
29 annexed if the same contains two qualified voters, the provisions of sections 71.015 and 71.860 to
30 71.920, shall be followed.

31 3. If no objection is filed, the city, town or village shall extend its limits by ordinance to
32 include such territory, specifying with accuracy the new boundary lines to which the city's, town's or
33 village's limits are extended. Upon duly enacting such annexation ordinance, the city, town or
34 village shall cause three certified copies of the same to be filed with the county assessor and the
35 clerk of the county wherein the city, town or village is located, and one certified copy to be filed
36 with the election authority, if different from the clerk of the county which has jurisdiction over the
37 area being annexed, whereupon the annexation shall be complete and final and thereafter all courts
38 of this state shall take judicial notice of the limits of that city, town or village as so extended.

39 4. That a petition requesting annexation is not or was not verified or notarized shall not
40 affect the validity of an annexation heretofore or hereafter undertaken in accordance with this
41 section.

42 5. Any action of any kind seeking to deannex from any city, town, or village any area
43 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
44 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
45 area shall be brought within five years of the date of adoption of the annexation ordinance.

46 71.015. 1. Should any city, town, or village, not located in any county of the first
47 classification which has adopted a constitutional charter for its own local government, seek to annex
48 an area to which objection is made, the following shall be satisfied:

1 (1) Before the governing body of any city, town, or village has adopted a resolution to
2 annex any unincorporated area of land, such city, town, or village shall first as a condition precedent
3 determine that:

4 (a) The land to be annexed is contiguous to the existing city, town, or village limits and that
5 the length of the contiguous boundary common to the existing city, town, or village limit and the
6 proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area
7 proposed for annexation; or

8 (b) The land to be annexed would be contiguous and compact to the existing city, town, or
9 village limits but for an intervening state highway or interstate highway as defined in section
10 304.001, or railroad right-of-way, and the shared border of the land to be annexed and existing city,
11 town, or village composes at least fifteen percent of the total perimeter of the land to be annexed.
12 For purposes of calculating the length of such border under this paragraph, the border between the
13 land to be annexed and the existing city, town, or village shall be deemed to be:

14 a. If an intervening state highway or interstate highway, the centerline; or

15 b. If a railroad right-of-way, the midpoint between the outermost rails if there are rails or the
16 best estimate of the middle of the right-of-way if there are no rails.

17 (2) The governing body of any city, town, or village shall propose an ordinance setting forth
18 the following:

19 (a) The area to be annexed and affirmatively stating that the boundaries comply with the
20 condition precedent referred to in subdivision (1) above;

21 (b) That such annexation is reasonable and necessary to the proper development of the city,
22 town, or village;

23 (c) That the city has developed a plan of intent to provide services to the area proposed for
24 annexation;

25 (d) That a public hearing shall be held prior to the adoption of the ordinance;

26 (e) When the annexation is proposed to be effective, the effective date being up to thirty-six
27 months from the date of any election held in conjunction thereto.

28 (3) The city, town, or village shall fix a date for a public hearing on the ordinance and make
29 a good faith effort to notify all fee owners of record within the area proposed to be annexed by
30 certified mail, not less than thirty nor more than sixty days before the hearing, and notify all
31 residents of the area by publication of notice in a newspaper of general circulation qualified to
32 publish legal matters in the county or counties where the proposed area is located, at least once a
33 week for three consecutive weeks prior to the hearing, with at least one such notice being not more
34 than twenty days and not less than ten days before the hearing.

35 (4) At the hearing referred to in subdivision (3), the city, town, or village shall present the
36 plan of intent and evidence in support thereof to include:

37 (a) A list of major services presently provided by the city, town, or village including, but
38 not limited to, police and fire protection, water and sewer systems, street maintenance, parks and
39 recreation, and refuse collection;

40 (b) A proposed time schedule whereby the city, town, or village plans to provide such
41 services to the residents of the proposed area to be annexed within three years from the date the
42 annexation is to become effective;

43 (c) The level at which the city, town, or village assesses property and the rate at which it
44 taxes that property;

45 (d) How the city, town, or village proposes to zone the area to be annexed;

46 (e) When the proposed annexation shall become effective.

47 (5) Following the hearing, and either before or after the election held in subdivision (6) of
48 this subsection, should the governing body of the city, town, or village vote favorably by ordinance

1 to annex the area, the governing body of the city, town or village shall file an action in the circuit
2 court of the county in which such unincorporated area is situated, under the provisions of chapter
3 527, praying for a declaratory judgment authorizing such annexation. The petition in such action
4 shall state facts showing:

5 (a) The area to be annexed and its conformity with the condition precedent referred to in
6 subdivision (1) of this subsection;

7 (b) That such annexation is reasonable and necessary to the proper development of the city,
8 town, or village; and

9 (c) The ability of the city, town, or village to furnish normal municipal services of the city,
10 town, or village to the unincorporated area within a reasonable time not to exceed three years after
11 the annexation is to become effective. Such action shall be a class action against the inhabitants of
12 such unincorporated area under the provisions of section 507.070.

13 (6) Except as provided in subsection 3 of this section, if the court authorizes the city, town,
14 or village to make an annexation, the legislative body of such city, town, or village shall not have
15 the power to extend the limits of the city, town, or village by such annexation until an election is
16 held at which the proposition for annexation is approved by a majority of the total votes cast in the
17 city, town, or village and by a separate majority of the total votes cast in the unincorporated territory
18 sought to be annexed. However, should less than a majority of the total votes cast in the area
19 proposed to be annexed vote in favor of the proposal, but at least a majority of the total votes cast in
20 the city, town, or village vote in favor of the proposal, then the proposal shall again be voted upon
21 in not more than one hundred twenty days by both the registered voters of the city, town, or village
22 and the registered voters of the area proposed to be annexed. If at least two-thirds of the qualified
23 electors voting thereon are in favor of the annexation, then the city, town, or village may proceed to
24 annex the territory. If the proposal fails to receive the necessary majority, no part of the area sought
25 to be annexed may be the subject of another proposal to annex for a period of two years from the
26 date of the election, except that, during the two-year period, the owners of all fee interests of record
27 in the area or any portion of the area may petition the city, town, or village for the annexation of the
28 land owned by them pursuant to the procedures in section 71.012. The elections shall if authorized
29 be held, except as herein otherwise provided, in accordance with the general state law governing
30 special elections, and the entire cost of the election or elections shall be paid by the city, town, or
31 village proposing to annex the territory.

32 (7) Failure to comply in providing services to the said area or to zone in compliance with
33 the plan of intent within three years after the effective date of the annexation, unless compliance is
34 made unreasonable by an act of God, shall give rise to a cause of action for deannexation which
35 may be filed in the circuit court by any resident of the area who was residing in the area at the time
36 the annexation became effective.

37 (8) No city, town, or village which has filed an action under this section as this section read
38 prior to May 13, 1980, which action is part of an annexation proceeding pending on May 13, 1980,
39 shall be required to comply with subdivision (5) of this subsection in regard to such annexation
40 proceeding.

41 (9) If the area proposed for annexation includes a public road or highway but does not
42 include all of the land adjoining such road or highway, then such fee owners of record, of the lands
43 adjoining said highway shall be permitted to intervene in the declaratory judgment action described
44 in subdivision (5) of this subsection.

45 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by any
46 city with a population of three hundred fifty thousand or more inhabitants which is located in more
47 than one county that becomes effective after August 28, 1994, if such city has not provided water
48 and sewer service to such annexed area within three years of the effective date of the annexation, a

1 cause of action shall lie for deannexation, unless the failure to provide such water and sewer service
 2 to the annexed area is made unreasonable by an act of God. The cause of action for deannexation
 3 may be filed in the circuit court by any resident of the annexed area who is presently residing in the
 4 area at the time of the filing of the suit and was a resident of the annexed area at the time the
 5 annexation became effective. If the suit for deannexation is successful, the city shall be liable for all
 6 court costs and attorney fees.

7 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this section, all
 8 cities, towns, and villages located in any county of the first classification with a charter form of
 9 government with a population of two hundred thousand or more inhabitants which adjoins a county
 10 with a population of nine hundred thousand or more inhabitants shall comply with the provisions of
 11 this subsection. If the court authorizes any city, town, or village subject to this subsection to make
 12 an annexation, the legislative body of such city, town or village shall not have the power to extend
 13 the limits of such city, town, or village by such annexation until an election is held at which the
 14 proposition for annexation is approved by a majority of the total votes cast in such city, town, or
 15 village and by a separate majority of the total votes cast in the unincorporated territory sought to be
 16 annexed; except that:

17 (1) In the case of a proposed annexation in any area which is contiguous to the existing city,
 18 town or village and which is within an area designated as flood plain by the Federal Emergency
 19 Management Agency and which is inhabited by no more than thirty registered voters and for which
 20 a final declaratory judgment has been granted prior to January 1, 1993, approving such annexation
 21 and where notarized affidavits expressing approval of the proposed annexation are obtained from a
 22 majority of the registered voters residing in the area to be annexed, the area may be annexed by an
 23 ordinance duly enacted by the governing body and no elections shall be required; and

24 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
 25 electors reside, if at least a majority of the qualified electors voting on the proposition are in favor
 26 of the annexation, the city, town or village may proceed to annex the territory and no subsequent
 27 election shall be required.

28
 29 If the proposal fails to receive the necessary separate majorities, no part of the area sought to be
 30 annexed may be the subject of any other proposal to annex for a period of two years from the date
 31 of such election, except that, during the two-year period, the owners of all fee interests of record in
 32 the area or any portion of the area may petition the city, town, or village for the annexation of the
 33 land owned by them pursuant to the procedures in section 71.012 or 71.014. The election shall, if
 34 authorized, be held, except as otherwise provided in this section, in accordance with the general
 35 state laws governing special elections, and the entire cost of the election or elections shall be paid by
 36 the city, town, or village proposing to annex the territory. Failure of the city, town or village to
 37 comply in providing services to the area or to zone in compliance with the plan of intent within
 38 three years after the effective date of the annexation, unless compliance is made unreasonable by an
 39 act of God, shall give rise to a cause of action for deannexation which may be filed in the circuit
 40 court not later than four years after the effective date of the annexation by any resident of the area
 41 who was residing in such area at the time the annexation became effective or by any nonresident
 42 owner of real property in such area.

43 4. Except for a cause of action for deannexation under subdivision (2) of subsection 3 of
 44 this section, any action of any kind seeking to deannex from any city, town, or village any area
 45 annexed under this section, or seeking in any way to reverse, invalidate, set aside, or otherwise
 46 challenge such annexation or oust such city, town, or village from jurisdiction over such annexed
 47 area shall be brought within five years of the date of the adoption of the annexation ordinance.

48 226.228. 1. There is hereby created in the state treasury the "Emergency Bridge Repair and

1 Replacement Fund", which shall consist of moneys appropriated from general revenue to the
2 department of transportation or received from other eligible funds. The moneys in the fund shall
3 only be used for accelerated replacements of, or to make immediate repairs to, bridges constructed
4 or maintained at the cost of the state that are located on state or interstate highways and are in
5 critical disrepair. Upon appropriation, the director of the department of transportation shall
6 administer the fund. The state treasurer shall be custodian of the fund. In accordance with sections
7 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated
8 fund, and, upon appropriation, moneys in the fund shall be used solely for the administration of this
9 section.

10 2. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
11 in the fund at the end of the biennium shall not revert to the credit of the general revenue fund.

12 3. The state treasurer shall invest moneys in the fund in the same manner as other funds are
13 invested. Any interest and moneys earned on such investments shall be credited to the fund.

14 226.770. The state highways and transportation commission is authorized to enter into any
15 necessary agreements~~[, not involving any state funds,]~~ with the Secretary of Commerce or other
16 public agency necessary to obtaining of available funds for the purposes described in Title 23,
17 Sections 136 and 319, of the United States Code, as revised in 1965.

18 226.780. For the purposes set out in ~~[sections 226.750 to]~~ section 226.790, no state funds
19 shall be expended and all expenditures under such sections shall be limited to funds granted to the
20 state by the federal government for such purposes."; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.