

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 510
96TH GENERAL ASSEMBLY

4503L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 71.012, 71.014, 71.015, 94.110, 137.076, and 250.140, RSMo, and to enact in lieu thereof seven new sections relating to political subdivisions.

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

Section A. Sections 71.012, 71.014, 71.015, 94.110, 137.076, and 250.140, RSMo, are
2 repealed and seven new sections enacted in lieu thereof, to be known as sections 71.012, 71.014,
3 71.015, 94.110, 137.076, 250.140, and 339.098, to read as follows:

71.012. 1. Notwithstanding the provisions of sections 71.015 and 71.860 to 71.920, the
2 governing body of any city, town or village may annex unincorporated areas which are
3 contiguous and compact to the existing corporate limits of the city, town or village pursuant to
4 this section. The term "contiguous and compact" does not include a situation whereby the
5 unincorporated area proposed to be annexed is contiguous to the annexing city, town or village
6 only by a railroad line, trail, pipeline or other strip of real property less than one-quarter mile in
7 width within the city, town or village so that the boundaries of the city, town or village after
8 annexation would leave unincorporated areas between the annexed area and the prior boundaries
9 of the city, town or village connected only by such railroad line, trail, pipeline or other such strip
10 of real property. The term "contiguous and compact" does not prohibit voluntary annexations
11 pursuant to this section merely because such voluntary annexation would create an island of
12 unincorporated area within the city, town or village, so long as the owners of the unincorporated
13 island were also given the opportunity to voluntarily annex into the city, town or village.
14 Notwithstanding the provisions of this section, the governing body of any city, town or village
15 in any county of the third classification which borders a county of the fourth classification, a
16 county of the second classification and **the** Mississippi River may annex areas along a road or

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 highway up to two miles from existing boundaries of the city, town or village or the governing
18 body in any city, town or village in any county of the third classification without a township form
19 of government with a population of at least twenty-four thousand inhabitants but not more than
20 thirty thousand inhabitants and such county contains a state correctional center may voluntarily
21 annex such correctional center pursuant to the provisions of this section if the correctional center
22 is along a road or highway within two miles from the existing boundaries of the city, town or
23 village.

24 2. (1) When a [verified] **notarized** petition, requesting annexation and signed by the
25 owners of all fee interests of record in all tracts of real property located within the area proposed
26 to be annexed, or a request for annexation signed under the authority of the governing body of
27 any common interest community and approved by a majority vote of unit owners located within
28 the area proposed to be annexed is presented to the governing body of the city, town or village,
29 the governing body shall hold a public hearing concerning the matter not less than fourteen nor
30 more than sixty days after the petition is received, and the hearing shall be held not less than
31 seven days after notice of the hearing is published in a newspaper of general circulation qualified
32 to publish legal matters and located within the boundary of the petitioned city, town or village.
33 If no such newspaper exists within the boundary of such city, town or village, then the notice
34 shall be published in the qualified newspaper nearest the petitioned city, town or village. For the
35 purposes of this subdivision, the term "common-interest community" shall mean a condominium
36 as said term is used in chapter 448, or a common-interest community, a cooperative, or a planned
37 community.

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

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

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

49 (2) At the public hearing any interested person, corporation or political subdivision may
50 present evidence regarding the proposed annexation.

51

52 If, after holding the hearing, the governing body of the city, town or village determines that the
53 annexation is reasonable and necessary to the proper development of the city, town or village,
54 and the city, town or village has the ability to furnish normal municipal services to the area to
55 be annexed within a reasonable time, it may, subject to the provisions of subdivision (3) of this
56 subsection, annex the territory by ordinance without further action.

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

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

71 **4. Any action of any kind seeking to deannex from any city, town, or village any**
72 **area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or**
73 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**
74 **over such annexed area shall be brought within three years of the date of adoption of the**
75 **annexation ordinance.**

76 71.014. 1. Notwithstanding the provisions of section 71.015, the governing body of any
2 city, town, or village which is located within a county which borders a county of the first
3 classification with a charter form of government with a population in excess of six hundred fifty
4 thousand, proceeding as otherwise authorized by law or charter, may annex unincorporated areas
5 which are contiguous and compact to the existing corporate limits upon [verified] **notarized**
6 petition requesting such annexation signed by the owners of all fee interests of record in all tracts
7 located within the area to be annexed.

8 **2. Any action of any kind seeking to deannex from any city, town, or village any**
9 **area annexed under this section or seeking, in any way, to reverse, invalidate, set aside, or**
10 **otherwise challenge such annexation or oust such city, town, or village from jurisdiction**
11 **over such annexed area shall be brought within three years of the date of adoption of the**
12 **annexation ordinance.**

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

(1) Before the governing body of any city, town, or village has adopted a resolution to annex any unincorporated area of land, such city, town, or village shall first as a condition precedent determine that the land to be annexed is contiguous to the existing city, town, or village limits and that the length of the contiguous boundary common to the existing city, town, or village limit and the proposed area to be annexed is at least fifteen percent of the length of the perimeter of the area proposed for annexation.

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

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

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

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

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

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

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

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

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

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

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

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

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

40 (5) Following the hearing, and either before or after the election held in subdivision (6)
41 of this subsection, should the governing body of the city, town, or village vote favorably by
42 ordinance to annex the area, the governing body of the city, town or village shall file an action
43 in the circuit court of the county in which such unincorporated area is situated, under the
44 provisions of chapter 527, praying for a declaratory judgment authorizing such annexation. The
45 petition in such action shall state facts showing:

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

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

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

54 (6) Except as provided in subsection 3 of this section, if the court authorizes the city,
55 town, or village to make an annexation, the legislative body of such city, town, or village shall
56 not have the power to extend the limits of the city, town, or village by such annexation until an
57 election is held at which the proposition for annexation is approved by a majority of the total
58 votes cast in the city, town, or village and by a separate majority of the total votes cast in the
59 unincorporated territory sought to be annexed. However, should less than a majority of the total
60 votes cast in the area proposed to be annexed vote in favor of the proposal, but at least a majority
61 of the total votes cast in the city, town, or village vote in favor of the proposal, then the proposal
62 shall again be voted upon in not more than one hundred twenty days by both the registered voters
63 of the city, town, or village and the registered voters of the area proposed to be annexed. If at
64 least two-thirds of the qualified electors voting thereon are in favor of the annexation, then the
65 city, town, or village may proceed to annex the territory. If the proposal fails to receive the
66 necessary majority, no part of the area sought to be annexed may be the subject of another
67 proposal to annex for a period of two years from the date of the election, except that, during the
68 two-year period, the owners of all fee interests of record in the area or any portion of the area
69 may petition the city, town, or village for the annexation of the land owned by them pursuant to
70 the procedures in section 71.012. The elections shall if authorized be held, except as herein
71 otherwise provided, in accordance with the general state law governing special elections, and the

72 entire cost of the election or elections shall be paid by the city, town, or village proposing to
73 annex the territory.

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

79 (8) No city, town, or village which has filed an action under this section as this section
80 read prior to May 13, 1980, which action is part of an annexation proceeding pending on May
81 13, 1980, shall be required to comply with subdivision (5) of this subsection in regard to such
82 annexation proceeding.

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

87 2. Notwithstanding any provision of subsection 1 of this section, for any annexation by
88 any city with a population of three hundred fifty thousand or more inhabitants which is located
89 in more than one county that becomes effective after August 28, 1994, if such city has not
90 provided water and sewer service to such annexed area within three years of the effective date
91 of the annexation, a cause of action shall lie for deannexation, unless the failure to provide such
92 water and sewer service to the annexed area is made unreasonable by an act of God. The cause
93 of action for deannexation may be filed in the circuit court by any resident of the annexed area
94 who is presently residing in the area at the time of the filing of the suit and was a resident of the
95 annexed area at the time the annexation became effective. If the suit for deannexation is
96 successful, the city shall be liable for all court costs and attorney fees.

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

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

115 (2) In the case of a proposed annexation of unincorporated territory in which no qualified
116 electors reside, if at least a majority of the qualified electors voting on the proposition are in
117 favor of the annexation, the city, town or village may proceed to annex the territory and no
118 subsequent election shall be required. If the proposal fails to receive the necessary separate
119 majorities, no part of the area sought to be annexed may be the subject of any other proposal to
120 annex for a period of two years from the date of such election, except that, during the two-year
121 period, the owners of all fee interests of record in the area or any portion of the area may petition
122 the city, town, or village for the annexation of the land owned by them pursuant to the procedures
123 in section 71.012 **or 71.014**. The election shall, if authorized, be held, except as otherwise
124 provided in this section, in accordance with the general state laws governing special elections,
125 and the entire cost of the election or elections shall be paid by the city, town, or village proposing
126 to annex the territory. Failure of the city, town or village to comply in providing services to the
127 area or to zone in compliance with the plan of intent within three years after the effective date
128 of the annexation, unless compliance is made unreasonable by an act of God, shall give rise to
129 a cause of action for deannexation which may be filed in the circuit court **not later than four**
130 **years after the effective date of the annexation** by any resident of the area who was residing
131 in such area at the time the annexation became effective or by any nonresident owner of real
132 property in such area. **Except for a cause of action for deannexation under this subdivision**
133 **(2) of this subsection, any action of any kind seeking to deannex from any city, town, or**
134 **village any area annexed under this section or seeking, in any way, to reverse, invalidate,**
135 **set aside, or otherwise challenge such annexation or oust such city, town, or village from**
136 **jurisdiction over such annexed area shall be brought within three years of the date of**
137 **adoption of the annexation ordinance.**

94.110. The council shall have power and authority to levy and collect a license tax on
2 wholesale houses, auctioneers, architects, druggists, grocers, banks, brokers, wholesale
3 merchants, merchants of all kinds, confectioners, delivery trucks, ice trucks, transfer trucks,
4 laundry wagons, milk wagons, merchant delivery companies, cigar and tobacco stands, hay
5 scales, wood dealers, coal dealers, lumber dealers, real estate agents, loan companies, abstracters,

6 abstract agencies, loan agents, collection agencies, undertakers, public buildings, office
7 buildings, public halls, public grounds, concerts, photographers in office or upon the streets,
8 canvassers, artists, drummers, patent right dealers, automobile agents and dealers, automobile
9 accessory dealers, insurance companies, insurance agents, taverns, hotels, rooming houses,
10 boardinghouses, health schools, telephone companies, street contractors, paper hanger
11 contractors, painting contractors, plastering contractors, and all subcontractors, flour mills,
12 express company agencies, wagons, buggies, carriages, tanners, barbers, barbershops, hair
13 dressers, hair dressing shops, whether conducted in connection with other business or separate
14 beauty parlors, tailors, florists, nursery stock agents, book binders, monument dealers and
15 agencies, manufacturing agents, shoe cobbler shops, storage warehouses, shoe shining parlors,
16 newspaper offices, job printing plants, ready-to-wear clothing agencies, tailor-made clothing
17 agencies, sewing machine agents, piano and organ dealers and agents, foreign coffee and tea
18 dealers and agents, and all other vocations whatsoever, and fix the rate of carriage of persons and
19 wagonage, drayage and cartage of property; and to levy and collect a license tax and regulate
20 hawkers, peddlers, pawnbrokers, restaurants, butchers, wholesale butchers, bathhouses and
21 masseurs, lunch stands, lunch counters, lunch wagons, soft drink and ice cream stand and
22 vendors, ice cream parlors, peanut and popcorn stands, and stands of every kind, hucksters, opera
23 houses, moving picture shows, private parks, public lectures, public meetings, baseball parks,
24 outdoor advertising, horse and cattle dealers, stockyards, wagon yards, auto yards, oil stations,
25 wholesale and retail, inspectors, gaugers, mercantile agents, manufacturing and other
26 corporations, or institutions, machine shops, blacksmith shops, foundries, sewer contractors,
27 building contractors, stone contractors, plumbing contractors, brick contractors, cement
28 contractors, sidewalk contractors, bridge contractors, and all subcontractors, street railroad cars,
29 light, power and water companies, gas companies, laundries, laundry agencies, ice plants and ice
30 plant agencies, ice dealers, omnibuses, automobiles, automobile trailers, tractors, carts, drays,
31 milk wagons, laundry wagons, delivery wagons, transfer and job wagons, ice wagons, and all
32 other vehicles, traveling and auction stores, plumbers, pressing establishments, installment
33 houses and agencies, produce and poultry dealers, feather renovators, bakers and bakeries, bakery
34 delivery wagons, and delivery autos, bottling works, dye works, cleaning establishments, sand
35 plants, steam fitters, corn doctors, chiropodists, hackmen, taxicabs, buses, draymen, omnibus
36 drivers, porters, **residential and commercial alarm and security entities**, ferries, and to
37 regulate the same, and the landing thereof, within the limits of the city, and all others pursuing
38 like occupations; and to levy and collect a license tax, regulate, restrain, prohibit and suppress
39 ordinaries, money brokers, money changers, intelligence and employment offices and agencies,
40 public masquerades, balls, street exhibitions, dance halls, fortune tellers, pistol galleries,
41 shooting galleries, palmists, private venereal hospitals, museums, menageries, equestrian

42 performances, fluoroscopic views, picture shows, telescopic views, lung testers, muscle
43 developers, magnifying glasses, ten pin alleys, ball alleys, bowling alleys, billiard tables, pool
44 and other tables, miniature golf courses, theatrical or other exhibitions, boxing and sparring
45 exhibitions, shows and amusements, amusement parks, and the sales of unclaimed goods by
46 express companies or common carriers, auto wrecking shops, bill posters, junk dealers, porters,
47 carnival and street fairs, circuses and shows, for parade and exhibition, or both, skating rinks,
48 and runners and solicitors for steamboats, cars, stages, taxicabs, hotels, rooming houses,
49 boardinghouses, bathhouses, masseurs, health schools, and all other vocations and business
50 whatsoever, and all others pursuing like occupations.

137.076. In establishing the value of a parcel of real property the county assessor shall
2 consider **current market conditions and** previous decisions of the county board of equalization,
3 the state tax commission or a court of competent jurisdiction that affected the value of such
4 parcel. **For purposes of this section, the term "current market conditions", shall include**
5 **the impact upon the housing market of foreclosures and bank sales.**

250.140. 1. Sewerage services, water services, or water and sewerage services combined
2 shall be deemed to be furnished to both the occupant and owner of the premises receiving such
3 service and, except as otherwise provided in subsection 2 of this section, the city, town, village,
4 or sewer district or water supply district organized and incorporated under chapter 247 rendering
5 such services shall have power to sue the occupant or owner, or both, of such real estate in a civil
6 action to recover any sums due for such services less any deposit that is held by the city, town,
7 village, or sewer district or water supply district organized and incorporated under chapter 247
8 for such services, plus a reasonable attorney's fee to be fixed by the court.

9 2. When the occupant is delinquent in payment for thirty days, the city, town, village,
10 sewer district, or water supply district shall make a good faith effort to notify the owner of the
11 premises receiving such service of the delinquency and the amount thereof. Notwithstanding any
12 other provision of this section to the contrary, when an occupant is delinquent more than ninety
13 days, the owner shall not be liable for sums due for more than ninety days of service[; provided,
14 however, that in any city not within a county and any home rule city with more than four hundred
15 thousand inhabitants and located in more than one county, until January 1, 2007, when an
16 occupant is delinquent more than one hundred twenty days the owner shall not be liable for sums
17 due for more than one hundred twenty days of service, and after January 1, 2007, when an
18 occupant is delinquent more than ninety days the owner shall not be liable for sums due for more
19 than ninety days]. Any notice of termination of service shall be sent to both the occupant and
20 owner of the premises receiving such service.

21 3. The provisions of this section shall apply only to residences that have their own
22 private water and sewer lines. In instances where several residences share a common water or

23 sewer line, the owner of the real property upon which the residences sit shall be liable for water
24 and sewer expenses.

25 4. Notwithstanding any other provision of law to the contrary, any water provider **or**
26 **premises owner** who terminates service due to delinquency of payment by a consumer shall not
27 be liable for any civil or criminal damages **for termination of such service, nor shall it be**
28 **deemed constructive eviction or forcible entry and detainer.**

29 5. The provisions of this section shall not apply to unapplied-for utility services. As used
30 in this subsection, "unapplied-for utility services" means services requiring application by the
31 property owner and acceptance of such application by the utility prior to the establishment of an
32 account. The property owner is billed directly for the services provided, and as a result, any
33 delinquent payment of a bill becomes the responsibility of the property owner rather than the
34 occupant.

339.098. Any person who purchases or pays for an appraisal, directly or indirectly,
2 **with respect to property the person owns or has a contract to purchase shall have standing**
3 **to file a complaint with the Real Estate Appraiser Commission.**

✓