

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1632, Page 1, Section 49.606, Line 12, by
2 inserting immediately after all of said section and line the following:

3
4 "77.700. 1. Notwithstanding any provision of sections 72.400 to 72.430, the county
5 governing body of any county with a charter form of government and with more than nine hundred
6 fifty thousand inhabitants in which a city of the third classification is located shall disincorporate the
7 city as provided in this section and sections 77.700 to 77.715.

8 2. The county governing body shall order an election upon the question of disincorporation
9 of a city of the third classification upon petition of twenty-five percent of the voters of the city.

10 3. The county governing body shall give notice of the election by publication in a
11 newspaper of general circulation published in the city or, if there is no such newspaper in the city,
12 then in the newspaper in the county published nearest the city. The notice shall contain a copy of
13 the petition and the names of the petitioners. No election on the question of disincorporation shall
14 be held until the notice has been published for four weeks successively.

15 4. The question shall be submitted in substantially the following form:

16 Shall the city of be dissolved?

17 5. Upon the affirmative vote of fifty percent and one of those persons voting on the
18 question, the county governing body shall disincorporate the city.

19 77.703. No dissolution of the corporation shall invalidate or affect any right accruing to the
20 corporation or to any person or invalidate or affect any contract entered into or imposed on the
21 corporation.

22 77.706. Whenever the county governing body shall dissolve any city of the third
23 classification, the county governing body shall appoint some competent person to act as trustee for
24 the corporation so dissolved, and such trustee, before entering upon the discharge of his or her
25 duties, shall take and subscribe an oath that he or she will faithfully discharge the duties of his or
26 her office and shall give bond with sufficient security, to be approved by the governing body, to the
27 use of such disincorporated city, conditioned for the faithful discharge of his or her duty.

28 77.709. The trustee shall have power to prosecute and defend to final judgment all suits
29 instituted by or against the corporation, collect all moneys due the same, liquidate all lawful
30 demands against the same, and for that purpose shall sell any property belonging to the corporation,
31 or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy
32 close all the affairs of the corporation.

33 77.712. The trustee shall employ counsel whenever necessary in the discharge of his or her
34 duties and shall make a report of the proceedings to the county governing body at each regular term
35 thereof, and the trustee shall receive for his or her services such compensation as the governing
36 body shall think reasonable.

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 77.715. When the trustee shall have closed the affairs of the corporation and shall have paid
 2 all debts due by the corporation, he or she shall pay over to the county treasurer all money
 3 remaining in his or her hands, take receipt therefor, and deliver to the clerk of the county governing
 4 body all books, papers, records, and deeds belonging to the dissolved corporation.

5 79.490. 1. The county governing body of any county in which a city of the fourth class is
 6 located shall disincorporate such city as provided in this section.

7 2. (1) Except as provided in subdivision (2) of this subsection, the county governing body
 8 shall order an election upon the question of disincorporation of a fourth class city upon petition of
 9 one-half of the voters of the city.

10 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county with a
 11 charter form of government and with more than nine hundred fifty thousand inhabitants the county
 12 governing body shall order an election upon the question of disincorporation of a fourth class city
 13 upon petition of twenty-five percent of the voters of the city.

14 3. The county governing body shall give notice of the election by publication in a
 15 newspaper of general circulation published in the city or, if there is no such newspaper in the city,
 16 then in the newspaper in the county published nearest the city. The notice shall contain a copy of
 17 the petition and the names of the petitioners. No election on the question of disincorporation shall
 18 be held until the notice has been published for four weeks successively.

19 4. The question shall be submitted in substantially the following form:

20 Shall the city of be dissolved?

21 5. (1) Except as provided in subdivision (2) of this subsection, upon the affirmative vote of
 22 sixty percent of those persons voting on the question, the county governing body shall
 23 disincorporate the city.

24 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county with a
 25 charter form of government and with more than nine hundred fifty thousand inhabitants upon the
 26 affirmative vote of fifty percent and one of those persons voting on the question, the county
 27 governing body shall
 28 disincorporate the city.

29 80.570. 1. The county governing body of each county shall have power to disincorporate
 30 any town or village which they may have incorporated as provided in this section.

31 2. (1) Except as provided in subdivision (2) of this subsection, the county governing body
 32 shall order an election upon the question of disincorporation of a town or village upon petition of
 33 one-half of the voters of the town or village.

34 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county with a
 35 charter form of government and with more than nine hundred fifty thousand inhabitants the county
 36 governing body shall order an election upon the question of disincorporation of a town or village
 37 upon petition of twenty-five percent of the voters of the town or village.

38 3. The county governing body shall give notice of the election by publication in a
 39 newspaper of general circulation published in the town or village or, if there is no such newspaper in
 40 the town or village, then in the newspaper in the county published nearest the town or village. The
 41 notice shall contain a copy of the petition and the names of the petitioners. No election on the
 42 question of disincorporation shall be held until the notice has been published for eight weeks
 43 successively.

44 4. The question shall be submitted in substantially the following form as the case may be:

45 Shall the town of be dissolved?; or

46 Shall the village of be dissolved?

47 5. (1) Except as provided in subdivision (2) of this subsection, upon the affirmative vote of
 48 sixty percent of those persons voting on the question, the county governing body shall

1 disincorporate the town or village.

2 (2) Notwithstanding any provision of sections 72.400 to 72.430, in any county with a
3 charter form of government and with more than nine hundred fifty thousand inhabitants upon the
4 affirmative vote of fifty percent and one of those persons voting on the question, the county
5 governing body shall
6 disincorporate the town or village.

7 6. Any county governing body may, in its discretion, on the application of any person or
8 persons owning a tract of land containing five acres or more in a town or village, used only for
9 agricultural purposes, to diminish the limits of such town or village by excluding any such tract of
10 land from said corporate limits; provided, that such application shall be accompanied by a petition
11 asking such change and signed by a majority of the voters in such town or village. And thereafter
12 such tract of land so excluded shall not be deemed or held to be any part of such town or village.

13 82.133. 1. Notwithstanding any provision of sections 72.400 to 72.430, the county
14 governing body of any county with a charter form of government and with more than nine hundred
15 fifty thousand inhabitants in which a constitutional charter or home rule city is located shall
16 disincorporate the city as provided in sections 82.133 to 82.145.

17 2. The county governing body shall order an election upon the question of disincorporation
18 of a constitutional charter or home rule city upon petition of twenty-five percent of the voters of the
19 city.

20 3. The county governing body shall give notice of the election by publication in a
21 newspaper of general circulation published in the city or, if there is no such newspaper in the city,
22 then in the newspaper in the county published nearest the city. The notice shall contain a copy of
23 the petition and the names of the petitioners. No election on the question of disincorporation shall
24 be held until the notice has been published for four weeks successively.

25 4. The question shall be submitted in substantially the following form:

26 Shall the city of be dissolved?

27 5. Upon the affirmative vote of fifty percent and one of those persons voting on the
28 question, the county governing body shall disincorporate the city.

29 82.136. No dissolution of the corporation shall invalidate or affect any right accruing to the
30 corporation or to any person, or invalidate or affect any contract entered into or imposed on the
31 corporation.

32 82.139. Whenever the county governing body shall dissolve any constitutional charter or
33 home rule city, the county governing body shall appoint some competent person to act as trustee for
34 the corporation so dissolved, and the trustee, before entering upon the discharge of his or her duties,
35 shall take and subscribe an oath that he or she will faithfully discharge the duties of the office and
36 shall give bond with sufficient security, to be approved by the governing body, to the use of the
37 disincorporated city, conditioned for the faithful discharge of the trustee's duty.

38 82.142. The trustee shall have power to prosecute and defend to final judgment all suits
39 instituted by or against the corporation, collect all moneys due the same, liquidate all lawful
40 demands against the same, and for that purpose shall sell any property belonging to the corporation,
41 or so much thereof as may be necessary, and generally to do all acts requisite to bring to a speedy
42 close all the affairs of the corporation.

43 82.145. The trustee shall employ counsel whenever necessary in the discharge of his or her
44 duties and shall make a report of the proceedings to the county governing body at each regular term
45 thereof, and the trustee shall receive for his or her services such compensation as the governing
46 body shall think reasonable.

47 82.148. When the trustee shall have closed the affairs of the corporation, and shall have paid
48 all debts due by the corporation, he or she shall pay over to the county treasurer all money

- 1 remaining in his or her hands, take receipt therefor, and deliver to the clerk of the county governing
- 2 body all books, papers, records, and deeds belonging to the dissolved corporation."; and
- 3
- 4 Further amend said bill by amending the title, enacting clause, and intersectional references
- 5 accordingly.