

SECOND REGULAR SESSION

[CORRECTED]

# HOUSE BILL NO. 1686

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE BURNS.

5158H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 79.490 and 80.570, RSMo, and to enact in lieu thereof fourteen new sections relating to disincorporation of certain cities.

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

Section A. Sections 79.490 and 80.570, RSMo, are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 77.700, 77.703, 77.706, 77.709, 77.712, 77.715, 79.490, 80.570, 82.133, 82.136, 82.139, 82.142, 82.145, and 82.148, to read as follows:

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

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

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

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

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.

15           **Shall the city of . . . . . be dissolved?**

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

**77.703. No dissolution of the corporation shall invalidate or affect any right**  
2 **accruing to the corporation or to any person or invalidate or affect any contract entered**  
3 **into or imposed on the corporation.**

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

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

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

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

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

3           **2. (1) Except as provided in subdivision (2) of this subsection,** the county governing  
4 body shall order an election upon the question of disincorporation of a fourth class city upon  
5 petition of one-half of the voters of the city.

6           **(2) Notwithstanding any provision of sections 72.400 to 72.430, in any county with**  
7 **a charter form of government and with more than nine hundred fifty thousand inhabitants**  
8 **the county governing body shall order an election upon the question of disincorporation**  
9 **of a fourth class city 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  
 12 city, then in the newspaper in the county published nearest the city. The notice shall contain a  
 13 copy of the petition and the names of the petitioners. No election on the question of  
 14 disincorporation shall 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. **(1) Except as provided in subdivision (2) of this subsection**, upon the affirmative  
 18 vote of sixty percent of those persons voting on the question, the county governing body shall  
 19 disincorporate the city.

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

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

3           2. **(1) Except as provided in subdivision (2) of this subsection**, the county governing  
 4 body shall order an election upon the question of disincorporation of a town or village upon  
 5 petition of one-half of the voters of the town or village.

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

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

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

18           Shall the town of . . . . . be dissolved?; or

19           Shall the village of . . . . . be dissolved?

20           5. (1) **Except as provided in subdivision (2) of this subsection**, upon the affirmative  
21 vote of sixty percent of those persons voting on the question, the county governing body shall  
22 disincorporate the town or village.

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

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

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

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

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

14           4. **The question shall be submitted in substantially the following form:**  
15 **Shall the city of . . . . . be dissolved?**

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

**82.136. No dissolution of the corporation shall invalidate or affect any right**  
2 **accruing to the corporation or to any person, or invalidate or affect any contract entered**  
3 **into or imposed on the corporation.**

2 **82.139. Whenever the county governing body shall dissolve any constitutional**  
3 **charter or home rule city, the county governing body shall appoint some competent person**  
4 **to act as trustee for the corporation so dissolved, and the trustee, before entering upon the**  
5 **discharge of his or her duties, shall take and subscribe an oath that he or she will faithfully**  
6 **discharge the duties of the office and shall give bond with sufficient security, to be**  
7 **approved by the governing body, to the use of the disincorporated city, conditioned for the**  
8 **faithful discharge of the trustee's duty.**

2 **82.142. The trustee shall have power to prosecute and defend to final judgment all**  
3 **suits instituted by or against the corporation, collect all moneys due the same, liquidate all**  
4 **lawful demands against the same, and for that purpose shall sell any property belonging**  
5 **to the corporation, or so much thereof as may be necessary, and generally to do all acts**  
6 **requisite to bring to a speedy close all the affairs of the corporation.**

2 **82.145. The trustee shall employ counsel whenever necessary in the discharge of his**  
3 **or her duties and shall make a report of the proceedings to the county governing body at**  
4 **each regular term thereof, and the trustee shall receive for his or her services such**  
5 **compensation as the governing body shall think reasonable.**

2 **82.148. When the trustee shall have closed the affairs of the corporation, and shall**  
3 **have paid all debts due by the corporation, he or she shall pay over to the county treasurer**  
4 **all money remaining in his or her hands, take receipt therefor, and deliver to the clerk of**  
5 **the county governing body all books, papers, records, and deeds belonging to the dissolved**  
6 **corporation.**

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