

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS/SCS/Senate Bill No. 1050, Page 7, Section 227.544, Line 10

2 of said page, by inserting after all of said line the following:

3 "263.245. 1. Subject to voter approval under section  
4 263.247, all owners of land in:

5 (1) Any county with a township form of government, located  
6 north of the Missouri River and having no portion of the county  
7 located east of U.S. Highway 63 [and located in];

8 (2) Any county of the third classification without a  
9 township form of government and with more than four thousand one  
10 hundred but fewer than four thousand two hundred inhabitants[,];  
11 or [in]

12 (3) Any county of the third classification without a  
13 township form of government and with more than two thousand three  
14 hundred but fewer than two thousand four hundred inhabitants

15  
16 shall control all brush growing on such owner's property that is  
17 designated as the county right-of-way or county maintenance  
18 easement part of such owner's property and which is adjacent to  
19 any county road. Such brush shall be cut, burned, or otherwise  
20 destroyed as often as necessary in order to keep such lands  
21 accessible for purposes of maintenance and safety of the county

1     road and to prevent brush from interfering with any vehicle that  
2     may travel the road.

3             2. The county commission, either upon its own motion or  
4     upon receipt of a written notice requesting the action from any  
5     residents of the county in which the county road bordering the  
6     lands in question is located or upon written request of any  
7     person regularly using the county road, may control such brush so  
8     as to allow easy access to the land described in subsection 1 of  
9     this section, and for that purpose the county commission, or its  
10    agents, servants, or employees shall have authority to enter on  
11    such lands without being liable to an action of trespass  
12    therefor, and shall keep an accurate account of the expenses  
13    incurred in eradicating the brush, and shall verify such  
14    statement under seal of the county commission, and transmit the  
15    same to the officer whose duty it is or may be to extend state  
16    and county taxes on tax books or bills against real estate. Such  
17    officer shall extend the aggregate expenses so charged against  
18    each tract of land as a special tax, which shall then become [a  
19    lien on such lands,] due on such landowner's real and personal  
20    property tax assessment and be collected as state and county  
21    taxes are collected by law and paid to the county commission and  
22    credited to the county control fund.

23             3. Before proceeding to control brush as provided in this  
24    section, the county commission of the county in which the land is  
25    located shall notify the owner of the land of the requirements of  
26    this law [by certified mail, return receipt requested, from a  
27    list] in writing using any mail service with delivery tracking  
28    and an address supplied by the officer who prepares the tax  
29    list[, ] and shall allow the owner of the land thirty days from

1 [acknowledgment date of return receipt, or] the date of [refusal  
2 of acceptance of] delivery [as the case may be,] to eradicate all  
3 such brush growing on land designated as the county right-of-way  
4 or county maintenance easement part of such owner's land and  
5 which is adjacent to the county road. In the event that the  
6 property owner cannot be located by [certified] mail, notice  
7 shall be placed in a newspaper of general circulation in the  
8 county in which the land is located at least thirty days before  
9 the county commission removes the brush pursuant to subsection 2  
10 of this section. Such property owner shall be granted an  
11 automatic thirty-day extension due to hardship by notifying the  
12 county commission that such owner cannot comply with the  
13 requirements of this section, due to hardship, within the first  
14 thirty-day period. The property owner may be granted a second  
15 extension by a majority vote of the county commission. There  
16 shall be no further extensions. For the purposes of this  
17 subsection, "hardship" may be financial, physical or any other  
18 condition that the county commission deems to be a valid reason  
19 to allow an extension of time to comply with the requirements of  
20 this section.

21 4. County commissions shall not withhold rock, which is  
22 provided from funds from the county aid road trust fund, for  
23 maintaining county roads due to the abutting property owner's  
24 refusal to remove brush located on land designated as the county  
25 right-of-way or county maintenance easement part of such owner's  
26 land. County commissions shall use such rock on the county  
27 roads, even though the brush is not removed, or county  
28 commissions may resort to the procedures in this section to  
29 remove the brush.

1           5. The county right-of-way or county maintenance easement  
2 shall extend fifteen feet from the center of the county road or  
3 the distance set forth in the original conveyance, whichever is  
4 greater. For purposes of this subsection, the "center of the  
5 county road" shall be the point equidistant from both edges of  
6 the drivable ground of the road in its current condition.

7           6. In the event a county is required to obtain a land  
8 survey to enforce this section, the costs of such survey shall be  
9 divided equally between the county and the landowner."; and

10           Further amend the title and enacting clause accordingly.