

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 739**  
**89TH GENERAL ASSEMBLY**

Reported from the Committee on Environment & Energy, April 14, 1998, with recommendation that the House Committee Substitute for Senate Bill No. 739 Do Pass by Consent.  
ANNE C. WALKER, Chief Clerk  
L3267.02C

**AN ACT**

To repeal section 64.241, RSMo 1994, relating to regulation of subdivisions, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Section 64.241, RSMo 1994, is repealed and three new sections enacted in lieu thereof, to be known as sections 64.241, 644.042 and 644.150, to read as follows:

64.241. The county planning board may prepare and adopt regulations governing the subdivision of land, within the unincorporated area, including all plats or proposed streets prepared for record, and all division of land or lots into two or more parts, except the division of land resulting in tracts or lots, the smallest of which is an area of [ten] **five** acres or more. The regulations may provide for the proper location and width of streets, building lines, open spaces, minimum width and area of lots, access to major streets, street grading and paving, drainage or utility easements, sewers, water and other utilities, which are necessary to avoid the congestion of population, and to protect the public health, safety or the general welfare of the inhabitants in the unincorporated portions of the county. The regulations shall be adopted by the board only after public hearing has been held thereon at any one place in the county, public notice of which shall be given in the same manner as provided for hearings in section 64.231. The regulations shall become effective after their approval and adoption by order of the county commission, and may after their adoption be amended by the county commission after public hearing and recommendation by the board as provided by section 64.231. In lieu of the immediate completion or installation of improvements required under the regulations adopted, the county auditor shall accept bond for the county in an amount and with surety and conditions prescribed by the county commission. The bond shall provide and secure to the county the actual construction of such improvements and utilities within the period prescribed by the regulations.

**644.042. The commission may adopt by rule a rebuttable presumption that any stream segment located within one mile upstream of a stream segment that has been determined by the commission to be a losing stream, as defined by the commission by rule, is also a losing stream until determined otherwise by the commission based upon the evidence. Except for the presumption authorized by the preceding sentence, the commission shall not adopt any presumption that any other stream segments are losing**

**EXPLANATION—Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

streams, and shall make any such determinations based on data applicable to such stream segments.

**644.150.** For all purposes of regulation pursuant to this chapter, the term "subdivision" shall not refer to any lot of five acres or larger or any land which is divided or proposed to be divided into lots of five acres or larger.

Unofficial

Bill

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