



OFFICES OF THE
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OPINION LETTER NO. 332

Honorable Richard M. Webster
Missouri Senate, District 32
112 North Webb Street
Webb City, Missouri 64870



Dear Senator Webster:

This letter is in answer to your question in which you ask whether Joplin, a Constitutional Charter city, must or can abolish a Land Clearance For Redevelopment Authority established under the provisions of Sections 99.300, RSMo 1969, et seq after a majority vote of the people against the continuance of the Authority.

In our view, the holding of the Kansas City Court of Appeals in Anderson v. Smith, 377 S.W.2d 554 (1964) answers your question. We quote at length from that opinion beginning at l.c. 556:

"Columbia, Missouri is a municipal corporation with a population which has always been substantially less than 75,000. Pursuant to Section 99.320(6) of the mentioned statute the City Council of Columbia on April 23, 1956, enacted Ordinance No. 485 finding that one or more blighted or insanitary areas exist in Columbia and that the redevelopment thereof is necessary in the interest of the health, safety, morals or welfare of the city, and in effect accepted the provisions of the Land Clearance For Redevelopment Authority Law subject to a vote of the people thereon. Ordinance No. 485 provided for a special election to be held on May 29, 1956, to submit to the electors of Columbia the proposition of whether they accept the provisions of the Law, and 'approving the exercise of the powers, duties, and functions of said law by a land clearance for redevelopment authority * * * and establishing such authority by finding that one or more blighted or insanitary areas as defined in

said law exist in the City of Columbia, and that the redevelopment of such area or areas is necessary in the interest of the health, safety, morals and welfare of the residents of said City.'

"The special election was held on May 29, 1956, and the proposition passed as submitted pursuant to the ordinance."

The Court further stated at l.c. 559-560:

"By the enactment of Sections 99.300 to 99.660, RSMo 1959, V.A.M.S., the General Assembly declared the existence in localities throughout the state of blighted and insanitary areas constituting a serious and growing menace to the public health, safety, morals and welfare of the residents of this state. In the state public interest it declared the necessity for the provisions contained in the Land Clearance For Redevelopment Law and made them automatically applicable to all cities of more than 75,000 population. Cities with less than 75,000 population were given the opportunity (option) of deciding whether or not they desired to accept the provisions of this law. Columbia, by becoming a 'community' thereunder both by action of its city council and by vote of its people accepted this law and thereby became subject to it just as is any city with a population of over 75,000. It is not a question of the people of the community not being given a voice, for it was the people by their vote who recognized that in their community there exists one or more of these blighted and insanitary areas and approved the exercise of powers by the Authority under the provisions of the state statute.

"Having become subject to this state statute how can this, or any municipality subject to it, become free of it? The law was not enacted to effect solely municipal objectives. These were state purposes to be fulfilled by this statute. It is our view that just as with other state laws, it remains applicable to a municipality which has accepted it until the legislature repeals it or unless or until this statute or another properly enacted statute authorizes a municipality to withdraw or provides a means for a municipality to withdraw from its applicability.

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We do not believe it was the intent of the state legislature in enacting the statute in the light of a state need to permit a municipality which has found the local need for it, solely by municipal action to be able to withdraw itself from the provisions of that statute established to cure or better those very conditions causing the need. Cf. State ex rel. Great Falls Housing Authority v. City of Great Falls, 100 Mont. 318, 100 P.2d 915."

We find no laws subsequent to this decision which would affect this holding and therefore conclude that, in the premises, the Land Clearance For Redevelopment Authority cannot be abolished.

Very truly yours,

JOHN C. DANFORTH
Attorney General