

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 1126

97TH GENERAL ASSEMBLY

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Reported from the Committee on Financial and Governmental Organizations and Elections, April 23, 2014, with recommendation that the Senate Committee Substitute do pass.

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TERRY L. SPIELER, Secretary.

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## AN ACT

To repeal sections 71.015, 77.030, 79.050, and 115.607, RSMo, and to enact in lieu thereof four new sections relating to elections in political subdivisions.

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

Section A. Sections 71.015, 77.030, 79.050, and 115.607, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be known as sections  
3 71.015, 77.030, 79.050, and 115.607, to read as follows:

71.015. 1. Should any city, town, or village, not located in any county of  
2 the first classification which has adopted a constitutional charter for its own local  
3 government, seek to annex an area to which objection is made, the following shall  
4 be satisfied:

5 (1) Before the governing body of any city, town, or village has adopted a  
6 resolution to annex any unincorporated area of land, such city, town, or village  
7 shall first as a condition precedent determine that the land to be annexed is  
8 contiguous to the existing city, town, or village limits and that the length of the  
9 contiguous boundary common to the existing city, town, or village limit and the  
10 proposed area to be annexed is at least fifteen percent of the length of the  
11 perimeter of the area proposed for annexation.

12 (2) The governing body of any city, town, or village shall propose an  
13 ordinance setting forth the following:

14 (a) The area to be annexed and affirmatively stating that the boundaries  
15 comply with the condition precedent referred to in subdivision (1) above;

16 (b) That such annexation is reasonable and necessary to the proper  
17 development of the city, town, or village;

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

18 (c) That the city has developed a plan of intent to provide services to the  
19 area proposed for annexation;

20 (d) That a public hearing shall be held prior to the adoption of the  
21 ordinance;

22 (e) When the annexation is proposed to be effective, the effective date  
23 being up to thirty-six months from the date of any election held in conjunction  
24 thereto.

25 (3) The city, town, or village shall fix a date for a public hearing on the  
26 ordinance and make a good faith effort to notify all fee owners of record within  
27 the area proposed to be annexed by certified mail, not less than thirty nor more  
28 than sixty days before the hearing, and notify all residents of the area by  
29 publication of notice in a newspaper of general circulation qualified to publish  
30 legal matters in the county or counties where the proposed area is located, at  
31 least once a week for three consecutive weeks prior to the hearing, with at least  
32 one such notice being not more than twenty days and not less than ten days  
33 before the hearing.

34 (4) At the hearing referred to in subdivision (3) **of this subsection**, the  
35 city, town, or village shall present the plan of intent and evidence in support  
36 thereof to include:

37 (a) A list of major services presently provided by the city, town, or village  
38 including, but not limited to, police and fire protection, water and sewer systems,  
39 street maintenance, parks and recreation, and refuse collection;

40 (b) A proposed time schedule whereby the city, town, or village plans to  
41 provide such services to the residents of the proposed area to be annexed within  
42 three years from the date the annexation is to become effective;

43 (c) The level at which the city, town, or village assesses property and the  
44 rate at which it taxes that property;

45 (d) How the city, town, or village proposes to zone the area to be annexed;

46 (e) When the proposed annexation shall become effective.

47 (5) Following the hearing, and either before or after the election held in  
48 subdivision (6) of this subsection, should the governing body of the city, town, or  
49 village vote favorably by ordinance to annex the area, the governing body of the  
50 city, town or village shall file an action in the circuit court of the county in which  
51 such unincorporated area is situated, under the provisions of chapter 527, praying  
52 for a declaratory judgment authorizing such annexation. The petition in such  
53 action shall state facts showing:

54 (a) The area to be annexed and its conformity with the condition  
55 precedent referred to in subdivision (1) of this subsection;

56 (b) That such annexation is reasonable and necessary to the proper  
57 development of the city, town, or village; and

58 (c) The ability of the city, town, or village to furnish normal municipal  
59 services of the city, town, or village to the unincorporated area within a  
60 reasonable time not to exceed three years after the annexation is to become  
61 effective. Such action shall be a class action against the inhabitants of such  
62 unincorporated area under the provisions of section 507.070.

63 (6) Except as provided in subsection 3 of this section, if the court  
64 authorizes the city, town, or village to make an annexation, the legislative body  
65 of such city, town, or village shall not have the power to extend the limits of the  
66 city, town, or village by such annexation until an election is held at which the  
67 proposition for annexation is approved by a majority of the total votes cast in the  
68 city, town, or village and by a separate majority of the total votes cast in the  
69 unincorporated territory sought to be annexed. However, should less than a  
70 majority of the total votes cast in the area proposed to be annexed vote in favor  
71 of the proposal, but at least a majority of the total votes cast in the city, town, or  
72 village vote in favor of the proposal, then the proposal shall again be voted upon  
73 in not more than one hundred [twenty] **sixty** days by both the registered voters  
74 of the city, town, or village and the registered voters of the area proposed to be  
75 annexed. If at least two-thirds of the qualified electors voting thereon are in  
76 favor of the annexation, then the city, town, or village may proceed to annex the  
77 territory. If the proposal fails to receive the necessary majority, no part of the  
78 area sought to be annexed may be the subject of another proposal to annex for a  
79 period of two years from the date of the election, except that, during the two-year  
80 period, the owners of all fee interests of record in the area or any portion of the  
81 area may petition the city, town, or village for the annexation of the land owned  
82 by them pursuant to the procedures in section 71.012. The elections shall if  
83 authorized be held, except as herein otherwise provided, in accordance with the  
84 general state law governing special elections, and the entire cost of the election  
85 or elections shall be paid by the city, town, or village proposing to annex the  
86 territory.

87 (7) Failure to comply in providing services to the said area or to zone in  
88 compliance with the plan of intent within three years after the effective date of  
89 the annexation, unless compliance is made unreasonable by an act of God, shall

90 give rise to a cause of action for deannexation which may be filed in the circuit  
91 court by any resident of the area who was residing in the area at the time the  
92 annexation became effective.

93 (8) No city, town, or village which has filed an action under this section  
94 as this section read prior to May 13, 1980, which action is part of an annexation  
95 proceeding pending on May 13, 1980, shall be required to comply with subdivision  
96 (5) of this subsection in regard to such annexation proceeding.

97 (9) If the area proposed for annexation includes a public road or highway  
98 but does not include all of the land adjoining such road or highway, then such fee  
99 owners of record, of the lands adjoining said highway shall be permitted to  
100 intervene in the declaratory judgment action described in subdivision (5) of this  
101 subsection.

102 2. Notwithstanding any provision of subsection 1 of this section, for any  
103 annexation by any city with a population of three hundred fifty thousand or more  
104 inhabitants which is located in more than one county that becomes effective after  
105 August 28, 1994, if such city has not provided water and sewer service to such  
106 annexed area within three years of the effective date of the annexation, a cause  
107 of action shall lie for deannexation, unless the failure to provide such water and  
108 sewer service to the annexed area is made unreasonable by an act of God. The  
109 cause of action for deannexation may be filed in the circuit court by any resident  
110 of the annexed area who is presently residing in the area at the time of the filing  
111 of the suit and was a resident of the annexed area at the time the annexation  
112 became effective. If the suit for deannexation is successful, the city shall be liable  
113 for all court costs and attorney fees.

114 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this  
115 section, all cities, towns, and villages located in any county of the first  
116 classification with a charter form of government with a population of two hundred  
117 thousand or more inhabitants which adjoins a county with a population of nine  
118 hundred thousand or more inhabitants shall comply with the provisions of this  
119 subsection. If the court authorizes any city, town, or village subject to this  
120 subsection to make an annexation, the legislative body of such city, town or  
121 village shall not have the power to extend the limits of such city, town, or village  
122 by such annexation until an election is held at which the proposition for  
123 annexation is approved by a majority of the total votes cast in such city, town, or  
124 village and by a separate majority of the total votes cast in the unincorporated  
125 territory sought to be annexed; except that:

126 (1) In the case of a proposed annexation in any area which is contiguous  
127 to the existing city, town or village and which is within an area designated as  
128 flood plain by the Federal Emergency Management Agency and which is  
129 inhabited by no more than thirty registered voters and for which a final  
130 declaratory judgment has been granted prior to January 1, 1993, approving such  
131 annexation and where notarized affidavits expressing approval of the proposed  
132 annexation are obtained from a majority of the registered voters residing in the  
133 area to be annexed, the area may be annexed by an ordinance duly enacted by the  
134 governing body and no elections shall be required; and

135 (2) In the case of a proposed annexation of unincorporated territory in  
136 which no qualified electors reside, if at least a majority of the qualified electors  
137 voting on the proposition are in favor of the annexation, the city, town or village  
138 may proceed to annex the territory and no subsequent election shall be required.  
139 If the proposal fails to receive the necessary separate majorities, no part of the  
140 area sought to be annexed may be the subject of any other proposal to annex for  
141 a period of two years from the date of such election, except that, during the  
142 two-year period, the owners of all fee interests of record in the area or any portion  
143 of the area may petition the city, town, or village for the annexation of the land  
144 owned by them pursuant to the procedures in section 71.012 or 71.014. The  
145 election shall, if authorized, be held, except as otherwise provided in this section,  
146 in accordance with the general state laws governing special elections, and the  
147 entire cost of the election or elections shall be paid by the city, town, or village  
148 proposing to annex the territory. Failure of the city, town or village to comply in  
149 providing services to the area or to zone in compliance with the plan of intent  
150 within three years after the effective date of the annexation, unless compliance  
151 is made unreasonable by an act of God, shall give rise to a cause of action for  
152 deannexation which may be filed in the circuit court not later than four years  
153 after the effective date of the annexation by any resident of the area who was  
154 residing in such area at the time the annexation became effective or by any  
155 nonresident owner of real property in such area.

156 4. Except for a cause of action for deannexation under subdivision (2) of  
157 subsection 3 of this section, any action of any kind seeking to deannex from any  
158 city, town, or village any area annexed under this section, or seeking in any way  
159 to reverse, invalidate, set aside, or otherwise challenge such annexation or oust  
160 such city, town, or village from jurisdiction over such annexed area shall be  
161 brought within five years of the date of the adoption of the annexation ordinance.

77.030. 1. Unless it elects to be governed by subsection 2 of this section,  
 2 the council shall by ordinance divide the city into not less than four wards, and  
 3 two councilmen shall be elected from each of such wards by the qualified voters  
 4 thereof at the first election for councilmen in cities hereafter adopting the  
 5 provisions of this chapter; the one receiving the highest number of votes in each  
 6 ward shall hold his office for two years, and the one receiving the next highest  
 7 number of votes shall hold his office for one year; but thereafter each ward shall  
 8 elect annually one councilman, who shall hold his office for two years.

9 2. In lieu of electing councilmen as provided in subsection 1 of this  
 10 section, the council may elect to establish wards and elect councilmen as provided  
 11 in this subsection. If the council so elects, it shall, by ordinance, divide the city  
 12 into not less than four wards, and one councilman shall be elected from each of  
 13 such wards by the qualified voters thereof at the first election for councilmen held  
 14 in the city after it adopts the provisions of this subsection. At the first election  
 15 held under this subsection the councilmen elected from the odd-numbered wards  
 16 shall be elected for a term of one year and the councilmen elected from the  
 17 even-numbered wards shall be elected for a term of two years. At each annual  
 18 election held thereafter, successors for councilmen whose terms expire in such  
 19 year shall be elected for a term of two years.

20 3. (1) Council members may serve four-year terms if the two-year terms  
 21 provided under subsection 1 or 2 of this section have been extended to four years  
 22 by approval of a majority of the voters voting on the proposal.

23 (2) The ballot of submission shall be in substantially the following form:  
 24 Shall the terms of council members which are currently set at two years  
 25 in ..... (city) be extended to four years for members elected after August  
 26 28, 2013?

27  YES  NO

28 (3) If a majority of the voters voting approve the proposal authorized in  
 29 this subsection, the members of council who would serve two years under  
 30 subsections 1 and 2 of this section shall be elected to four-year terms beginning  
 31 with any election occurring after approval of the ballot question.

32 **4. In any city that has approved the proposal under subsection**  
 33 **3 of this section, the council may, by ordinance, elect to establish a**  
 34 **system for holding elections for one-half of the council every other**  
 35 **year. The ordinance may stipulate that any council member whose**  
 36 **term of office expires during the year of the next election after the**

37 **adoption of the ordinance shall be elected for a term of three**  
38 **years. Any council member not elected to a three-year term at such**  
39 **election shall be elected for a term of four years at the election in the**  
40 **year in which the member's term of office expires. All successors for**  
41 **council shall thereafter be elected to four-year terms of office. Any new**  
42 **terms in office for particular wards shall be effective only upon the**  
43 **expiration of any term in office authorized under this section for a**  
44 **particular ward prior to the adoption of an ordinance under this**  
45 **subsection.**

79.050. 1. The following officers shall be elected by the qualified voters  
2 of the city, and shall hold office for the term of two years, except as otherwise  
3 provided in this section, and until their successors are elected and qualified, to  
4 wit: mayor and board of aldermen. The board of aldermen may provide by  
5 ordinance, after the approval of a majority of the voters voting at an election at  
6 which the issue is submitted, for the appointment of a collector and for the  
7 appointment of a chief of police, who shall perform all duties required of the  
8 marshal by law, and any other police officers found by the board of aldermen to  
9 be necessary for the good government of the city.

10 The marshal or chief of police shall be twenty-one years of age or older. If the  
11 board of aldermen does not provide for the appointment of a chief of police and  
12 collector as provided by this section, a city marshal, who shall be twenty-one  
13 years of age or older, and collector shall be elected, and the board of aldermen  
14 may provide by ordinance that the same person may be elected marshal and  
15 collector, at the same election, and hold both offices and the board of aldermen  
16 may provide by ordinance for the election of city assessor, city attorney, city clerk  
17 and street commissioner, who shall hold their respective offices for a term of two  
18 years and until their successors shall be elected or appointed and qualified,  
19 except that the term of the city marshal shall be four years.

20 2. The board of aldermen may provide by ordinance, after the approval of  
21 a majority of the voters voting thereon at the next municipal election at which the  
22 issue is submitted, that the term of the collector shall be four years and the term  
23 of the mayor shall be two, three, or four years. Any person elected as collector  
24 after the passage of such an ordinance shall serve for a term of four years and  
25 until his successor is elected and qualified. Any person elected as mayor after the  
26 passage of such ordinance shall serve for a term of two, three, or four years, as  
27 provided, and until his successor is elected and qualified.

28           3. The board of aldermen may provide by ordinance that the term of the  
29 board of aldermen shall be four years. Such ordinance shall be submitted by the  
30 board to the voters of the city and shall take effect only upon the approval of a  
31 majority of the voters voting at an election at which the issue is submitted. Any  
32 person elected to the board of aldermen after the passage of such an ordinance  
33 shall serve for a term of four years and until his successor is elected and  
34 qualified.

35           **4. In any city that has approved the proposal under subsection**  
36 **3 of this section, the board of aldermen may, by ordinance, elect to**  
37 **establish a system for holding elections for one-half of the board of**  
38 **aldermen every other year. The ordinance may stipulate that any**  
39 **member of the board of aldermen whose term of office expires during**  
40 **the year of the next election after the adoption of the ordinance shall**  
41 **be elected for a term of three years. Any member of the board of**  
42 **aldermen not elected to a three-year term at such election shall be**  
43 **elected for a term of four years at the election in the year in which the**  
44 **member's term of office expires. All successors for the board of**  
45 **aldermen shall thereafter be elected to four-year terms of office. Any**  
46 **new terms in office for the board of aldermen shall be effective only**  
47 **upon the expiration of any term in office authorized under this section**  
48 **prior to the adoption of an ordinance under this subsection.**

115.607. 1. No person shall be elected or shall serve as a member of a  
2 county committee who is not, for one year next before the person's election, both  
3 a registered voter of and a resident of the county and the committee district from  
4 which the person is elected if such district shall have been so long established,  
5 and if not, then of the district or districts from which the same shall have been  
6 taken. Except as provided in subsections 2, 3, 4, 5, and 6 of this section, the  
7 membership of a county committee of each established political party shall consist  
8 of a man and a woman elected from each township or ward in the county.

9           2. In each county of the first classification containing the major portion  
10 of a city which has over three hundred thousand inhabitants, [two members of  
11 the committee, a man and a woman, shall be elected from each ward in the  
12 city. Any township entirely contained in the city shall have no additional  
13 representation on the county committee. The election authority for the county  
14 shall, not later than six months after the decennial census has been reported to  
15 the President of the United States, divide the most populous township outside the



16 city into eight subdistricts of contiguous and compact territory and as nearly  
17 equal in population as practicable. The subdistricts shall be numbered from one  
18 upward consecutively, which numbers shall, insofar as practicable, be retained  
19 upon reapportionment. Two members of the county committee, a man and a  
20 woman, shall be elected from each such subdistrict. Six members of the  
21 committee, three men and three women, shall be elected from the second and  
22 third most populous townships outside the city. Four members of the committee,  
23 two men and two women, shall be elected from the other townships outside the  
24 city] **members of the committee shall be elected from the districts of**  
25 **each state representative that are in any way contained in the county**  
26 **in the following manner: within six months after each legislative**  
27 **reapportionment, each portion of a legislative district contained in the**  
28 **county shall constitute a single committee district. Two men and two**  
29 **women shall be elected from each committee district formed from a**  
30 **legislative district that is wholly contained in the county as members**  
31 **of the committee, two men and two women shall be elected from each**  
32 **committee district formed from a legislative district that is**  
33 **predominantly contained in the county as members of the committee,**  
34 **and one man and one woman shall be elected from each committee**  
35 **district formed from a legislative district that is partially but not**  
36 **predominantly contained in the county as members of the committee.**

37 3. [In any city which has over three hundred thousand inhabitants, the  
38 major portion of which is located in a county with a charter form of government,  
39 for the portion of the city located within such county and notwithstanding section  
40 82.110, it shall be the duty of the election authority, not later than six months  
41 after the decennial census has been reported to the President of the United  
42 States, to divide such cities into not less than twenty-four nor more than  
43 twenty-five wards after each decennial census. Wards shall be so divided that the  
44 number of inhabitants in any ward shall not exceed any other ward of the city  
45 and within the same county, by more than five percent, measured by the number  
46 of the inhabitants determined at the preceding decennial census.

47 4.] In each county of the first classification containing a portion, but not  
48 the major portion, of a city which has over three hundred thousand inhabitants,  
49 ten members of the committee, five men and five women, shall be elected from the  
50 district of each state representative wholly contained in the county in the  
51 following manner: within six months after each legislative reapportionment, the

52 election authority shall divide each legislative district wholly contained in the  
53 county into five committee districts of contiguous territory as compact and as  
54 nearly equal in population as may be; two members of the committee, a man and  
55 a woman, shall be elected from each committee district. The election authority  
56 shall divide the area of the county located within legislative districts not wholly  
57 contained in the county into similar committee districts; two members of the  
58 committee, a man and a woman, shall be elected from each committee district.

59 [5.] 4. In each city not situated in a county, two members of the  
60 committee, a man and a woman, shall be elected from each ward.

61 [6.] 5. In all counties with a charter form of government and a population  
62 of over nine hundred thousand inhabitants, the county committee persons shall  
63 be elected from each township. Within ninety days after August 28, 2002, and  
64 within six months after each decennial census has been reported to the President  
65 of the United States, the election authority shall divide the county into  
66 twenty-eight compact and contiguous townships containing populations as nearly  
67 equal in population to each other as is practical.

68 [7.] 6. If any election authority has failed to adopt a reapportionment  
69 plan by the deadline set forth in this section, the county commission, sitting as  
70 a reapportionment commission, shall within sixty days after the deadline, adopt  
71 a reapportionment plan. Changes of township, ward, or precinct lines shall not  
72 affect the terms of office of incumbent party committee members elected from  
73 districts as constituted at the time of their election.

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