

FIRST REGULAR SESSION

SENATE BILL NO. 221

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time January 12, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1269S.01I

AN ACT

To repeal section 72.401, RSMo, and to enact in lieu thereof one new section relating to annexation in certain counties that have established a boundary commission.

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

Section A. Section 72.401, RSMo, is repealed and one new section enacted
2 in lieu thereof, to be known as section 72.401, to read as follows:

72.401. 1. If a commission has been established pursuant to section
2 72.400 in any county with a charter form of government where fifty or more cities,
3 towns and villages have been established, any boundary change within the county
4 shall proceed solely and exclusively in the manner provided for by sections 72.400
5 to 72.423, notwithstanding any statutory provisions to the contrary concerning
6 such boundary changes.

7 2. In any county with a charter form of government where fifty or more
8 cities, towns and villages have been established, if the governing body of such
9 county has by ordinance established a boundary commission, as provided in
10 sections 72.400 to 72.423, then boundary changes in such county shall proceed
11 only as provided in sections 72.400 to 72.423.

12 3. The commission shall be composed of eleven members as provided in
13 this subsection. No member, employee or contractor of the commission shall be
14 an elective official, employee or contractor of the county or of any political
15 subdivision within the county or of any organization representing political
16 subdivisions or officers or employees of political subdivisions. Each of the
17 appointing authorities described in subdivisions (1) to (3) of this subsection shall
18 appoint persons who shall be residents of their respective locality so
19 described. The appointing authority making the appointments shall be:

20 (1) The chief elected officials of all municipalities wholly within the county
21 which have a population of more than twenty thousand persons, who shall name

22 two members to the commission as prescribed in this subsection each of whom is
23 a resident of a municipality within the county of more than twenty thousand
24 persons;

25 (2) The chief elected officials of all municipalities wholly within the county
26 which have a population of twenty thousand or less but more than ten thousand
27 persons, who shall name one member to the commission as prescribed in this
28 subsection who is a resident of a municipality within the county with a
29 population of twenty thousand or less but more than ten thousand persons;

30 (3) The chief elected officials of all municipalities wholly within the county
31 which have a population of ten thousand persons or less, who shall name one
32 member to the commission as prescribed in this subsection who is a resident of
33 a municipality within the county with a population of ten thousand persons or
34 less;

35 (4) An appointive body consisting of the director of the county department
36 of planning, the president of the municipal league of the county, one additional
37 person designated by the county executive, and one additional person named by
38 the board of the municipal league of the county, which appointive body, acting by
39 a majority of all of its members, shall name three members of the commission
40 who are residents of the county; and

41 (5) The county executive of the county, who shall name four members of
42 the commission, three of whom shall be from the unincorporated area of the
43 county and one of whom shall be from the incorporated area of the county. The
44 seat of a commissioner shall be automatically vacated when the commissioner
45 changes his or her residence so as to no longer conform to the terms of the
46 requirements of the commissioner's appointment. The commission shall promptly
47 notify the appointing authority of such change of residence.

48 4. Upon the passage of an ordinance by the governing body of the county
49 establishing a boundary commission, the governing body of the county shall,
50 within ten days, send by United States mail written notice of the passage of the
51 ordinance to the chief elected official of each municipality wholly or partly in the
52 county.

53 5. Each of the appointing authorities described in subdivisions (1) to (4)
54 of subsection 3 of this section shall meet within thirty days of the passage of the
55 ordinance establishing the commission to compile its list of appointees. Each list
56 shall be delivered to the county executive within forty-one days of the passage of
57 such ordinance. The county executive shall appoint members within forty-five

58 days of the passage of the ordinance. If a list is not submitted by the time
59 specified, the county executive shall appoint the members using the criteria of
60 subsection 3 of this section before the sixtieth day from the passage of the
61 ordinance. At the first meeting of the commission appointed after the effective
62 date of the ordinance, the commissioners shall choose by lot the length of their
63 terms. Three shall serve for one year, two for two years, two for three years, two
64 for four years, and two for five years. All succeeding commissioners shall serve
65 for five years. Terms shall end on December thirty-first of the respective year.
66 No commissioner shall serve more than two consecutive full terms. Full terms
67 shall include any term longer than two years.

68 6. When a member's term expires, or if a member is for any reason unable
69 to complete his term, the respective appointing authority shall appoint such
70 member's successor. Each appointing authority shall act to ensure that each
71 appointee is secured accurately and in a timely manner, when a member's term
72 expires or as soon as possible when a member is unable to complete his term. A
73 member whose term has expired shall continue to serve until his successor is
74 appointed and qualified.

75 7. The commission, its employees and subcontractors shall be subject to
76 the regulation of conflicts of interest as defined in sections 105.450 to 105.498 and
77 to the requirements for open meetings and records under chapter 610.

78 8. Notwithstanding any provisions of law to the contrary, any boundary
79 adjustment approved by the residential property owners and the governing bodies
80 of the affected municipalities or the county, if involved, and any voluntary
81 annexation approved by municipal ordinance provided that the municipality owns
82 the area to be annexed, that the area is contiguous with the municipality, and
83 that the area is utilized only for parks and recreation purposes, shall not be
84 subject to commission review. Such a boundary adjustment or annexation is not
85 prohibited by the existence of an established unincorporated area.

86 **9. Any annexation of property or defined areas of properties**
87 **approved by a majority of property owners residing thereon and by**
88 **ordinance of any municipality that is a service provider for both the**
89 **water and sanitary sewer within the municipality shall be effective as**
90 **provided in the annexation ordinance and shall not be subject to**
91 **commission review. Such annexation shall not be prohibited by the**
92 **existence of an established unincorporated area.**