

SECOND REGULAR SESSION

# SENATE BILL NO. 704

99TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4354S.011

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## AN ACT

To repeal sections 49.020, 67.617, and 71.015, RSMo, and to enact in lieu thereof three new sections relating to political subdivisions.

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

Section A. Sections 49.020, 67.617, and 71.015, RSMo, are repealed and  
2 three new sections enacted in lieu thereof, to be known as sections 49.020, 67.617,  
3 and 71.015, to read as follows:

49.020. At the general election in the year 1996, and every four years  
2 thereafter, the voters of each of the districts shall elect a county commissioner,  
3 who shall hold his **or her** office for a term of four years and until his **or her**  
4 successor is duly elected and qualified; and at the general election in the year  
5 1882, and every four years thereafter, the presiding commissioner of the county  
6 shall be elected by the voters of the county at large, who shall hold his **or her**  
7 office for the term of four years and until his **or her** successor is duly elected and  
8 qualified. Each commissioner shall be a resident of the county and each  
9 commissioner elected from a district shall be a resident of the district from which  
10 such commissioner was elected. Each commissioner elected under the provisions  
11 of this chapter shall enter upon the duties of his **or her** office on the first day of  
12 January immediately after his **or her** election.

67.617. 1. Each regional convention and visitors commission shall, before  
2 the second Monday in October, make an annual report to the chief executive  
3 officers and governing bodies of the city and county, respectively, and to the  
4 general assembly stating the condition of the commission on the first day of July  
5 of that year, and the various sums of money received and distributed by it during  
6 the preceding calendar year. The fiscal year for each regional convention and

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

7 visitors commission shall begin on the first day of July and end on the thirtieth  
8 day of June of the following calendar year.

9           2. Before the close of the first fiscal year of such commission, and at the  
10 close of every third fiscal year thereafter, the chief executives of the city and  
11 county, jointly, shall appoint one or more certified public accountants, who shall  
12 annually examine the books, accounts, and vouchers of the regional convention  
13 and visitors commission, and who shall make due report thereof to the chief  
14 executives and the board of the district. The commission shall produce and  
15 submit to the accountants for examination all books, papers, documents,  
16 vouchers, and accounts of their office belonging or pertaining to the office, and  
17 shall in every way assist the accountants in their work. In the report to be made  
18 by the accountants they may make any recommendation they deem proper as to  
19 the business methods of the officers and employees. A reasonable compensation  
20 for the services of the accountants shall be paid by the commission.

21           3. In addition to the exceptions available under [sections 610.010 to  
22 610.225] **chapter 610**, the leases, agreements, contracts, or subleases, and any  
23 amendments thereto, for space, usage, or services in any convention center or  
24 related facilities owned or operated by a regional convention and visitors  
25 commission, or any drafts or unexecuted versions of such documents, shall not be  
26 considered public records within the meaning of subdivision (6) of section 610.010,  
27 when, in the reasonable judgment of the commission, the disclosure of the  
28 information in the records may endanger the competitiveness of the business or  
29 prospects of the commission or provide an unfair advantage to its competitors;  
30 provided, however, that the foregoing may not be deemed to include any leases,  
31 agreements, contracts, or subleases involving a professional sports franchise.

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;

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 days by both the registered voters of the  
74 city, town, or village and the registered voters of the area proposed to be annexed.  
75 If at least two-thirds of the qualified electors voting thereon are in favor of the  
76 annexation, then the city, town, or village may proceed to annex the territory. If  
77 the proposal fails to receive the necessary majority, no part of the area sought to  
78 be annexed may be the subject of another proposal to annex for a period of two  
79 years from the date of the election, except that, during the two-year period, the  
80 owners of all fee interests of record in the area or any portion of the area may  
81 petition the city, town, or village for the annexation of the land owned by them  
82 pursuant to the procedures in section 71.012. The elections shall if authorized  
83 be held, except as herein otherwise provided, in accordance with the general state

84 law governing special elections, and the entire cost of the election or elections  
85 shall be paid by the city, town, or village proposing to annex the territory.

86 (7) Failure to comply in providing services to the said area or to zone in  
87 compliance with the plan of intent within three years after the effective date of  
88 the annexation, unless compliance is made unreasonable by an act of God, shall  
89 give rise to a cause of action for deannexation which may be filed in the circuit  
90 court by any resident of the area who was residing in the area at the time the  
91 annexation became effective.

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

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

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

113 3. Notwithstanding the provisions of subdivision (6) of subsection 1 of this  
114 section, all cities, towns, and villages located in any county of the first  
115 classification with a charter form of government with a population of two hundred  
116 thousand or more inhabitants which adjoins a county with a population of nine  
117 hundred thousand or more inhabitants shall comply with the provisions of this  
118 subsection. If the court authorizes any city, town, or village subject to this  
119 subsection to make an annexation, the legislative body of such city, town or

120 village shall not have the power to extend the limits of such city, town, or village  
121 by such annexation until an election is held at which the proposition for  
122 annexation is approved by a majority of the total votes cast in such city, town, or  
123 village and by a separate majority of the total votes cast in the unincorporated  
124 territory sought to be annexed; except that:

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

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

155         4. Except for a cause of action for deannexation under subdivision (2) of

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

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