

SENATE BILL NO. 1344

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

5755S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 72.401 and 72.420, RSMo, and to enact in lieu thereof two new sections relating to county boundary commissions.

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

Section A. Sections 72.401 and 72.420, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 72.401 and 72.420, to read as follows:

72.401. 1. If a commission has been established under sections 72.400 to 72.423 in any county with a charter form of government where fifty or more cities, towns and villages have been established **or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants**, any boundary change within the county shall proceed solely and exclusively in the manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the contrary concerning such boundary changes.

2. In any county with a charter form of government where fifty or more cities, towns and villages have been established **or any county with a charter form of government and with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants**, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then

18 boundary changes in such county shall proceed only as
19 provided in sections 72.400 to 72.423.

20 3. The commission shall be composed of eleven members
21 as provided in this subsection. No member, employee or
22 contractor of the commission shall be an elective official,
23 employee or contractor of the county or of any political
24 subdivision within the county or of any organization
25 representing political subdivisions or officers or employees
26 of political subdivisions. Each of the appointing
27 authorities described in subdivisions (1) to (3) of this
28 subsection shall appoint persons who shall be residents of
29 their respective locality so described. The appointing
30 authority making the appointments shall be:

31 (1) The chief elected officials of all municipalities
32 wholly within the county which have a population of more
33 than twenty thousand persons, who shall name two members to
34 the commission as prescribed in this subsection each of whom
35 is a resident of a municipality within the county of more
36 than twenty thousand persons;

37 (2) The chief elected officials of all municipalities
38 wholly within the county which have a population of twenty
39 thousand or less but more than ten thousand persons, who
40 shall name one member to the commission as prescribed in
41 this subsection who is a resident of a municipality within
42 the county with a population of twenty thousand or less but
43 more than ten thousand persons;

44 (3) The chief elected officials of all municipalities
45 wholly within the county which have a population of ten
46 thousand persons or less, who shall name one member to the
47 commission as prescribed in this subsection who is a
48 resident of a municipality within the county with a
49 population of ten thousand persons or less;

50 (4) An appointive body consisting of the director of
51 the county department of planning, the president of the
52 municipal league of the county, one additional person
53 designated by the county executive, and one additional
54 person named by the board of the municipal league of the
55 county, which appointive body, acting by a majority of all
56 of its members, shall name three members of the commission
57 who are residents of the county; and

58 (5) The county executive of the county, who shall name
59 four members of the commission, three of whom shall be from
60 the unincorporated area of the county and one of whom shall
61 be from the incorporated area of the county.

62 The seat of a commissioner shall be automatically vacated
63 when the commissioner changes his or her residence so as to
64 no longer conform to the terms of the requirements of the
65 commissioner's appointment. The commission shall promptly
66 notify the appointing authority of such change of residence.

67 4. Upon the passage of an ordinance by the governing
68 body of the county establishing a boundary commission, the
69 governing body of the county shall, within ten days, send by
70 United States mail written notice of the passage of the
71 ordinance to the chief elected official of each municipality
72 wholly or partly in the county.

73 5. Each of the appointing authorities described in
74 subdivisions (1) to (4) of subsection 3 of this section
75 shall meet within thirty days of the passage of the
76 ordinance establishing the commission to compile its list of
77 appointees. Each list shall be delivered to the county
78 executive within forty-one days of the passage of such
79 ordinance. The county executive shall appoint members
80 within forty-five days of the passage of the ordinance. If

81 a list is not submitted by the time specified, the county
82 executive shall appoint the members using the criteria of
83 subsection 3 of this section before the sixtieth day from
84 the passage of the ordinance. At the first meeting of the
85 commission appointed after the effective date of the
86 ordinance, the commissioners shall choose by lot the length
87 of their terms. Three shall serve for one year, two for two
88 years, two for three years, two for four years, and two for
89 five years. All succeeding commissioners shall serve for
90 five years. Terms shall end on December thirty-first of the
91 respective year. No commissioner shall serve more than two
92 consecutive full terms. Full terms shall include any term
93 longer than two years.

94 6. When a member's term expires, or if a member is for
95 any reason unable to complete such member's term, the
96 respective appointing authority shall appoint such member's
97 successor. Each appointing authority shall act to ensure
98 that each appointee is secured accurately and in a timely
99 manner, when a member's term expires or as soon as possible
100 when a member is unable to complete such member's term. A
101 member whose term has expired shall continue to serve until
102 a successor is appointed and qualified.

103 7. The commission, its employees and subcontractors
104 shall be subject to the regulation of conflicts of interest
105 as defined in sections 105.450 to 105.496 and to the
106 requirements for open meetings and records under chapter 610.

107 8. Notwithstanding any provisions of law to the
108 contrary, any boundary adjustment approved by the
109 residential property owners and the governing bodies of the
110 affected municipalities or the county, if involved, and any
111 voluntary annexation approved by municipal ordinance
112 provided that the municipality owns the area to be annexed,

113 that the area is contiguous with the municipality, and that
114 the area is utilized only for parks and recreation purposes,
115 shall not be subject to commission review. Such a boundary
116 adjustment or annexation is not prohibited by the existence
117 of an established unincorporated area.

118 9. Any annexation of property or defined areas of
119 properties approved by a majority of property owners
120 residing thereon and by ordinance of any municipality that
121 is a service provider for both the water and sanitary sewer
122 within the municipality shall be effective as provided in
123 the annexation ordinance and shall not be subject to
124 commission review. Such annexation shall not be prohibited
125 by the existence of an established unincorporated area.

72.420. 1. The provisions of this section shall apply
2 to the consolidation of two or more cities, towns, villages,
3 unincorporated areas, or any combination thereof, in any
4 county with a charter form of government where fifty or more
5 cities, towns and villages have been incorporated **or any**
6 **county with a charter form of government and with more than**
7 **two hundred thousand but fewer than three hundred fifty**
8 **thousand inhabitants.** If a boundary commission has been
9 established pursuant to section 72.400, such proposal shall
10 be submitted to the commission, but if no such commission
11 has been established, consolidation of such areas shall be
12 accomplished pursuant to this section. All municipalities
13 and unincorporated areas which may be consolidated under the
14 procedures established in this section must be contiguous to
15 each other, so that if the consolidation is approved by the
16 voters pursuant to subsections 7 to 9 of this section, there
17 will be one municipality with all parts contiguous to at
18 least one other portion of the new municipality.

19 2. Whenever a petition for consolidation containing
20 the signatures of at least fifteen percent of the qualified
21 voters of each municipality or unincorporated area,
22 determined on the basis of the number of votes cast for
23 governor at the last gubernatorial election held prior to
24 the filing of the petition, is received by the governing
25 body of the county, the governing body of the county shall
26 submit the question of consolidation to the qualified voters
27 of each municipality and unincorporated area named in the
28 petition at the next state or county primary, general or
29 special election. The petition need not contain signatures
30 of qualified voters of a municipality if the governing body
31 of such municipality adopts an ordinance approving the
32 proposed consolidation which meets the requirements of
33 subsection 5 of this section, and sends a copy of the
34 ordinance to the governing body of the county in conjunction
35 with the petition prescribed by this subsection.

36 3. A petition for consolidation shall contain the
37 following:

38 (1) The names of the municipalities and a description
39 of any unincorporated area to be consolidated;

40 (2) The proposed effective date of consolidation;

41 (3) The number of votes cast in the last election in
42 each municipality and unincorporated area; and

43 (4) A statement that all signers are registered voters
44 in the affected municipalities or unincorporated areas.

45 The petition may contain the form of government, the name of
46 the municipality as consolidated and the details of
47 transition, such as which officers will serve, which
48 employees shall be retained, what taxes will be collected,
49 what ordinances will be in effect and similar matters for

50 the operation of the consolidated municipality until the new
51 governing body provides otherwise.

52 4. All persons signing the petition for consolidation
53 shall designate their address opposite their signatures, and
54 such signatures shall be affixed before a person who shall
55 certify, by affidavit acknowledged before a notary public,
56 that such signatures were affixed in his presence.

57 5. Any ordinance approving a proposed consolidation
58 shall contain the following:

59 (1) The names of the municipalities and a description
60 of any unincorporated area to be consolidated;

61 (2) The proposed effective date of the consolidation;

62 (3) The number of votes cast in the last election in
63 that municipality.

64 The ordinance may contain the form of government, the name
65 of the municipality as consolidated, and the details of
66 transition prescribed in subsection 3 of this section.

67 6. The costs of an election held under this section
68 shall be assessed proportionately to each municipality;
69 however, when a voting jurisdiction is composed of
70 unincorporated territory or territories, all costs of the
71 election in such voting jurisdictions shall be paid
72 proportionally by each municipality in the proposed
73 consolidation. Proportional election costs paid under this
74 section shall be assessed by charging each municipality the
75 same percentage of the total cost of the election as the
76 number of registered voters of the municipality on the day
77 of the election is to the total number of registered voters
78 on the day of the election, derived by adding together the
79 number of registered voters in each municipality.

109 9. If the consolidation is approved, it shall create a
110 new municipality, and the governing body of the county shall
111 declare such municipality, designating in such order the
112 metes and bounds thereof, and henceforth the inhabitants
113 within such bounds shall be a body politic and incorporate,
114 by the name and style of "the city of _____".

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