

SECOND REGULAR SESSION

# SENATE BILL NO. 570

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SINGLETON.

Pre-filed December 1, 1997, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S2295.011

## AN ACT

To repeal section 64.725, RSMo Supp. 1997, relating to temporary county planning commissions, and to enact in lieu thereof one new section relating to the same subject.

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

Section A. Section 64.725, RSMo Supp. 1997, is repealed and one new section enacted in lieu thereof, to be known as section 64.725, to read as follows:

64.725. 1. As an alternative to the procedures in sections 64.510 to 64.550, the county commission of any county may create a temporary county planning commission prior to an election to adopt county planning and zoning. Such planning commission shall prepare a county plan for all areas of the county, whether such areas are incorporated or unincorporated, outside the corporate limits of any city, town or village which has adopted a city plan in accordance with the laws of this state.

2. The temporary county planning commission appointed pursuant to subsection 1 of this section shall consist of the county highway engineer, and one resident from each township of the county appointed by the county commission from [the unincorporated area of] the county. The members of such planning commission shall serve until a planning commission is elected by the voters of the county, pursuant to subsection 6 of this section. All members of such temporary planning commission shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. Such planning commission shall elect a chair at the first meeting of the year to serve for such year until a new chair is elected. The county highway engineer shall be an ex officio member of such planning

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

commission.

3. The temporary planning commission may create and adopt rules for the transaction of its business and shall keep a public record of its resolutions, transactions, findings and recommendations. The commission may appoint such employees as it deems necessary for its work, and may contract with planners and other consultants for such services as it may require, and may incur other necessary expenses. The commission shall have power to make, adopt and publish a proposal for a master plan of the county for the purpose of bringing about coordinated physical development in accordance with the present and future needs. The master plan shall be developed so as to conserve the natural resources of the county, to ensure efficient expenditure of public funds and to promote the health, safety, convenience, prosperity and general welfare of the inhabitants. Such master plan may include, among other things, studies and recommendations relative to the location, character and extent of highways, railroads, bus, streetcar and other transportation routes, bridges, public buildings, schools, parks, parkways, forests, wildlife refuges, dams and projects affecting conservation of natural resources. Before the adoption of the plan, the commission shall hold at least one public hearing thereon, fifteen days' notice of the time and place of which shall be published in at least one newspaper having general circulation within the county, and notice of such hearing shall also be posted at least fifteen days in advance thereof in one or more public areas of the courthouse of the county. Such hearing may be adjourned from time to time. The adoption of the plan shall be by resolution carried by not less than a majority vote of the full membership of the temporary county planning commission.

4. After the temporary county planning commission has adopted a proposed plan for county planning and zoning in the county, the county commission shall submit to the voters of the county the question of whether the county should adopt county planning and zoning as provided in the proposed plan. Such plan shall be available to the voters at least twenty days prior to the election. A notice stating the place or places and times for examining the plan shall be posted in one or more public areas of the courthouse of the county, and such notice shall be published in at least one newspaper of general circulation in the county at least once a week for three consecutive weeks, the last publication to be twenty days prior to the election.

5. The question for the adoption of county planning and zoning shall be submitted in substantially the following form:

Shall county planning and zoning as proposed by the county planning commission be adopted?

G YES

G NO

6. If a majority of the votes cast on the question of whether the county should adopt county planning and zoning as provided in the proposed plan are in favor of adopting the plan, then the plan shall become immediately effective and an attested copy of the official master plan shall be certified to the county commission, to the recorder of deeds, and to the clerk of each incorporated area covered by the plan or part thereof and the temporary county planning commission shall

implement the plan. At the next countywide election, the voters in each township of the unincorporated area of the county shall elect one member from each township to be a member of the county planning commission, and the county commission shall by order entered of record have the newly elected members of the county planning commission continue with a program of county planning and zoning. If a majority of the votes cast on the question of whether the county should adopt county planning and zoning as provided in the proposed plan are in opposition to adopting the plan, then it shall be at the discretion of the county commission whether to retain or dissolve the temporary county planning commission established pursuant to subsection 1 of this section.

7. The terms of the elected members of the county planning commission shall be four years or until the member's successor takes office; except that, the terms shall be overlapping and one-half of the members first elected, or if an uneven number one-half plus one, shall be elected for two-year terms and the remaining members shall be elected for four-year terms. The county highway engineer shall be an ex officio member of the county planning commission. The term of the county highway engineer shall be only for the duration of the engineer's tenure of official position. All members of the county planning commission shall serve as such without compensation, but shall be reimbursed for actual and necessary expenses incurred in the performance of their official duties. The planning commission shall elect a chair at the first meeting of the year to serve for such year until a new chair is elected. The commission shall have all powers granted a county planning commission appointed pursuant to sections 64.510 to 64.695.

8. If the county commission does not appoint a temporary county planning commission as provided in subsection 1 of this section, the voters of the county may submit a petition, signed by five percent of the number of voters in the county voting at the last gubernatorial election, calling for the appointment of a temporary county planning commission. Upon receipt of such a petition, the county commission shall appoint a temporary county planning commission as provided in subsection 1 of this section.

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