

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 511

98TH GENERAL ASSEMBLY

1327L.01T

2015

AN ACT

To repeal section 72.401, RSMo, and to enact in lieu thereof one new section relating to annexation.

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Section A. Section 72.401, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 72.401, to read as follows: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 72.400] **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, 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, if the governing body of such county has by ordinance established a boundary commission, as provided in sections 72.400 to 72.423, then boundary changes in such county shall proceed only as provided in sections 72.400 to 72.423.

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

30 (4) An appointive body consisting of the director of the county department of planning,
31 the president of the municipal league of the county, one additional person designated by the
32 county executive, and one additional person named by the board of the municipal league of the
33 county, which appointive body, acting by a majority of all of its members, shall name three
34 members of the commission who are residents of the county; and

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

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

45 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection
46 3 of this section shall meet within thirty days of the passage of the ordinance establishing the
47 commission to compile its list of appointees. Each list shall be delivered to the county executive
48 within forty-one days of the passage of such ordinance. The county executive shall appoint
49 members within forty-five days of the passage of the ordinance. If a list is not submitted by the
50 time specified, the county executive shall appoint the members using the criteria of subsection
51 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting
52 of the commission appointed after the effective date of the ordinance, the commissioners shall
53 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for

54 three years, two for four years, and two for five years. All succeeding commissioners shall serve
55 for five years. Terms shall end on December thirty-first of the respective year. No commissioner
56 shall serve more than two consecutive full terms. Full terms shall include any term longer than
57 two years.

58 6. When a member's term expires, or if a member is for any reason unable to complete
59 [his] **such member's** term, the respective appointing authority shall appoint such member's
60 successor. Each appointing authority shall act to ensure that each appointee is secured accurately
61 and in a timely manner, when a member's term expires or as soon as possible when a member
62 is unable to complete [his] **such member's** term. A member whose term has expired shall
63 continue to serve until [his] a successor is appointed and qualified.

64 7. The commission, its employees and subcontractors shall be subject to the regulation
65 of conflicts of interest as defined in sections 105.450 to [105.498] **105.496** and to the
66 requirements for open meetings and records under chapter 610.

67 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment
68 approved by the residential property owners and the governing bodies of the affected
69 municipalities or the county, if involved, and any voluntary annexation approved by municipal
70 ordinance provided that the municipality owns the area to be annexed, that the area is contiguous
71 with the municipality, and that the area is utilized only for parks and recreation purposes, shall
72 not be subject to commission review. Such a boundary adjustment or annexation is not
73 prohibited by the existence of an established unincorporated area.

74 **9. Any annexation of property or defined areas of properties approved by a**
75 **majority of property owners residing thereon and by ordinance of any municipality that**
76 **is a service provider for both the water and sanitary sewer within the municipality shall**
77 **be effective as provided in the annexation ordinance and shall not be subject to commission**
78 **review. Such annexation shall not be prohibited by the existence of an established**
79 **unincorporated area.**

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