

SECOND REGULAR SESSION

# HOUSE BILL NO. 2518

99TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE HAEFNER.

6438H.011

D. ADAM CRUMBLISS, Chief Clerk

---

## AN ACT

To repeal sections 72.401, 72.403, 72.409, 72.423, and 72.430, RSMo, and to enact in lieu thereof five new sections relating to boundary commissions.

---

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

Section A. Sections 72.401, 72.403, 72.409, 72.423, and 72.430, RSMo, are repealed and  
2 five new sections enacted in lieu thereof, to be known as sections 72.401, 72.403, 72.409,  
3 72.423, and 72.430, to read as follows:

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

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

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

38

39 The seat of a commissioner shall be automatically vacated when the commissioner changes his  
40 or her residence so as to no longer conform to the terms of the requirements of the  
41 commissioner's appointment. The commission shall promptly notify the appointing authority  
42 of such change of residence.

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

47 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection  
48 3 of this section shall meet within thirty days of the passage of the ordinance establishing the  
49 commission to compile its list of appointees. Each list shall be delivered to the county executive  
50 within forty-one days of the passage of such ordinance. The county executive shall appoint  
51 members within forty-five days of the passage of the ordinance. If a list is not submitted by the  
52 time specified, the county executive shall appoint the members using the criteria of subsection

53 3 of this section before the sixtieth day from the passage of the ordinance. At the first meeting  
54 of the commission appointed after the effective date of the ordinance, the commissioners shall  
55 choose by lot the length of their terms. Three shall serve for one year, two for two years, two for  
56 three years, two for four years, and two for five years. All succeeding commissioners shall serve  
57 for five years. Terms shall end on December thirty-first of the respective year. No commissioner  
58 shall serve more than two consecutive full terms. Full terms shall include any term longer than  
59 two years.

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

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

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

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

81 **10. Any commission established under sections 72.400 to 72.423 shall be dissolved**  
82 **on May 28, 2019.**

72.403. 1. The commission shall review all proposed boundary changes of any area  
2 wholly or partially within the county. After June 27, 2000, no boundary change or  
3 unincorporated area proposal shall be submitted to or considered by the commission until April  
4 15, 2001, except for consolidations. Any boundary change or unincorporated area proposal  
5 pending before the commission on June 27, 2000, shall be suspended on June 27, 2000, and shall  
6 be further considered after April 15, 2001, only if such proposal is reflected in a map plan

7 submitted to the commission pursuant to section 72.423, except an annexation proposal by a  
8 village with a population under three thousand five hundred where the initial public hearing will  
9 occur prior to July 1, 1999, such proposal shall continue notwithstanding other provisions of law  
10 to the contrary. Review shall begin no later than thirty days after the plan of intent for the  
11 boundary change has been submitted to the commission by the proposing agent or thirty days  
12 after April 15, 2001, for boundary changes or unincorporated area proposals which are pending  
13 on June 27, 2000. The plan of intent shall address the criteria set forth in subsection 3 of this  
14 section. For the purposes of this subsection, the term "pending" means any proposal submitted  
15 to the commission which has not yet been approved by the commission as a simplified  
16 annexation or approved for submission to the qualified voters of the voting jurisdictions. No  
17 simplified boundary change involving territory already described in an annexation resolution or  
18 incorporation petition filed with the commission shall occur unless the annexation or  
19 incorporation proposal has been disapproved by the commission or defeated by voters. If more  
20 than one proposed change is received from the same proposing agency, the review of each  
21 additional proposed change shall begin not later than thirty days after the date that review was  
22 commenced for the next preceding proposed change or thirty days after receipt of the proposed  
23 changes were received by the commission; except that, if more than one proposed change is  
24 received by the commission from the same proposing agency on the same date, the commission  
25 may establish the order of review. **The commission shall not consider any boundary change  
26 or unincorporated area proposal that was submitted on or after August 28, 2018.**

27 2. When a boundary change proposal has been submitted to the commission, the  
28 commission shall, within twenty-one days of receipt of such proposal, publish notice of such  
29 proposal and the date of the public hearing thereon in at least one newspaper of general  
30 circulation qualified to publish legal notices. Within twenty-one days of receipt of such  
31 proposal, the commission shall also mail written notification of such proposal and public hearing  
32 date to the county clerk, and to the city or village clerk of each municipality or village, and to any  
33 other political subdivision which, in the opinion of the commission, is materially affected by the  
34 proposal. The costs of publication and notification shall be borne by the proposing agent. The  
35 commission shall hold such public hearing concerning the proposal not less than fourteen nor  
36 more than sixty days after such publication and notification are complete. At such public  
37 hearing, the county, the proposing agent and affected municipalities shall be parties, and any  
38 other interested person, corporation, or political subdivision may also present evidence regarding  
39 the proposed boundary change. A boundary change proposal which has been disapproved by the  
40 commission and which is resubmitted with changes to the commission shall be subject to the  
41 public hearing requirement of this section, unless the commission determines that a public

42 hearing on the resubmitted proposal is not necessary to achieve the objectives of sections 72.400  
43 to 72.423.

44 3. In reviewing any proposed boundary change, the commission shall approve such  
45 proposal if it finds that the boundary change will be in the best interest of the municipality or  
46 municipalities and unincorporated territories affected by the proposal and the areas of the county  
47 next to such proposed boundary. In making its determination, the commission shall consider the  
48 following factors:

49 (1) The impact, including but not limited to the impact on the tax base or on the ability  
50 to raise revenue, of such proposal on:

51 (a) The area subject to the proposed boundary change and its residents;

52 (b) The existing municipality or municipalities, if any, proposing the boundary change  
53 and the residents thereof;

54 (c) Adjoining areas not involved in the boundary change and the residents thereof; and

55 (d) The entire geographic area of the county and its residents;

56 (2) A legal description of the area to be annexed, incorporated, consolidated, or subject  
57 to the transfer of jurisdiction;

58 (3) The creation of logical and reasonable municipal boundaries in the county, and for  
59 such purpose the commission shall have the ability to make additions, deletions and  
60 modifications which address legal boundaries, technical or service delivery problems or  
61 boundaries which overlap those of other proposals; however, such additions, deletions and  
62 modifications shall not make substantial changes to any proposed boundary petition;

63 (4) The present level of major services provided by the municipality or other provider,  
64 provided to the unincorporated area by the county, and proposed to be provided by the annexing  
65 municipality or municipality to be incorporated or consolidated, including, but not limited to,  
66 police protection, fire protection, water and sewer systems, street maintenance, utility  
67 agreements, parks, recreation, and refuse collections;

68 (5) A proposed time schedule whereby the municipality or proposed municipality plans  
69 to provide such services to the residents of the area to be annexed, incorporated or consolidated  
70 within three years from the date the municipal boundary change is to become effective;

71 (6) The current tax rates of the areas subject to the proposal;

72 (7) What sources of revenue other than property tax are collected or are proposed to be  
73 collected by the municipality or proposed municipality;

74 (8) The extraordinary effect the boundary change will have on the distribution of tax  
75 resources in the county;

76 (9) How the municipality or proposed municipality proposes to zone any area not  
77 presently incorporated;

78 (10) The compactness of the area subject to such proposal;

79 (11) When the proposed boundary change shall become effective.

80 4. The provisions of section 71.910 shall not apply to a proposing agent proceeding  
81 before the commission.

82 5. Nothing in sections 72.400 to 72.423 shall be construed to prevent the boundary  
83 commission or its staff from advising proposing agents on issues related to proposals **before**  
84 **August 28, 2018**. The commission may, **before August 28, 2018**, meet informally, subject to  
85 the requirements of chapter 610, with the representatives of municipalities, other government  
86 entities or county residents with regard to future boundary changes.

72.409. 1. If a proposed boundary change is approved by the voters, such proposal shall  
2 be effective six months following the date of the election or the date specified in such proposal,  
3 whichever date is later. Immediately following the certification of the election, the commission  
4 shall establish a committee to determine the details of the transition. The governing body of each  
5 affected municipality shall select two members and the governing body of the county in which  
6 each unincorporated territory is situated shall select two members from the affected  
7 unincorporated territory to meet with similar members appointed from other affected  
8 municipalities and the unincorporated territory. The committee shall disband no later than the  
9 date the boundary change becomes effective. The governing body of the county may delay  
10 declaring a newly incorporated municipality for a period not to exceed six months at the request  
11 of the boundary commission to provide for an orderly transition from unincorporated to  
12 incorporated status.

13 2. If a conflict shall exist between the provisions of sections 72.400 to 72.423 and the  
14 orders, ordinances or charters of any statutory or charter cities affected by sections 72.400 to  
15 72.423, the provisions of sections 72.400 to 72.423 shall prevail **before May 28, 2019**. **After**  
16 **May 28, 2019, the provisions of section 72.400 to 72.423 shall be subservient in conflicts.**

17 3. If a boundary change involves an annexation, failure of the proposing agent to provide  
18 services to the area being annexed or to zone in compliance with the plan of intent required of  
19 the proposing agent within three years of the boundary change becoming effective, unless  
20 compliance is made unreasonable, shall give rise to a cause of action for deannexation which  
21 may be filed in the circuit court by any resident who was residing in the area at the time the  
22 boundary change became effective.

72.423. 1. In any county in which a boundary commission has been established pursuant  
2 to section 72.400, all boundary changes and unincorporated area proposals shall be subject to the  
3 five-year planning cycle mandated in this section. No municipality nor other person shall file,  
4 nor shall the commission accept or review, any boundary change or unincorporated area proposal  
5 which has not previously been submitted to the commission for map plan review and comment

6 as provided in this section, except that consolidations of municipalities and transfers of  
7 jurisdiction pursuant to subdivision (2) of subsection 6 of section 72.405 may be sought at any  
8 time without prior submission for map plan review and comment as provided in this section.

9         2. Between January 1, 2000, and July 1, 2000, and between January first and July first  
10 of each sixth year thereafter **that occurs before August 28, 2018**, each municipality, the county,  
11 and any citizen group may present general maps of proposed boundary changes and proposed  
12 established unincorporated areas to the commission for map plan review. Proposed  
13 incorporations and unincorporated areas, if not submitted by the county, shall be submitted by  
14 petition of no less than five percent of the registered voters within the proposed area. Boundary  
15 change and unincorporated area maps shall not be accompanied by a plan of intent, but shall be  
16 depicted with sufficient detail and accuracy to permit review and comment.

17         3. Between August 1, 2000, and December 31, 2000, and each sixth year thereafter **that**  
18 **occurs before August 28, 2018**, the commission shall solicit written comments on all boundary  
19 change and established unincorporated area map plans and shall hold informational public  
20 hearings in or near the affected areas, at which the county, any municipality, or other interested  
21 person shall be heard. The commission may encourage negotiation between parties involved in  
22 competing map plans. Map plans may be amended by the submitting parties until April fifteenth  
23 of the year following map plan submission based on negotiation or based on the hearings or other  
24 comments, but no such amendment shall enlarge the boundary change or unincorporated area  
25 map plan beyond the area originally submitted, except for minor technical amendments necessary  
26 to address boundary issues.

27         4. The commission may by April first of the year following map plan submission issue  
28 written comments regarding each boundary change and unincorporated area map plan to notify  
29 proponents of the merits or demerits of such map plan based on planning and public policy  
30 considerations. The map plan as submitted or as amended by April fifteenth shall remain on file  
31 with the commission, and shall be the limit of permissible boundary changes and unincorporated  
32 area proposals as provided in subsection 1 of this section.

33         5. Proposals shall be submitted to the commission no later than July first of the third year  
34 following conclusion of map plan review. Any proposal which has not been approved by the  
35 commission by January first of the next review period year as provided in subsection 2 of this  
36 section shall expire without further action.

2         72.430. **Before the commission is dissolved**, a county or any other interested  
3 municipality or person may bring an action against the commission established pursuant to  
section 72.400 contesting a proposed boundary change or other commission action.

✓