

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Bill No. 511, Pages 1-3, Section 72.401, Lines 1-79, by deleting all of said lines
2 and inserting in lieu thereof the following:

3
4 "72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created
5 pursuant to sections 72.400 to 72.423 as enacted and amended prior to August 28, 2015, shall
6 establish a municipal fire department to provide fire protection services, including emergency
7 medical services, if such city formerly consisted of unincorporated areas in the county or
8 municipalities in the county, or both, which are provided fire protection services and emergency
9 medical services by one or more fire protection districts. Such fire protection districts shall continue
10 to provide services to the area comprising the new city and may levy and collect taxes the same as
11 such districts had prior to the creation of such new city.

12 2. Fire protection districts serving the area included within any annexation by a city having a
13 fire department, including simplified boundary changes, shall continue to provide fire protection
14 services, including emergency medical services to such area. The annexing city shall pay annually to
15 the fire protection district an amount equal to that which the fire protection district would have
16 levied on all taxable property within the annexed area. Such annexed area shall not be subject to
17 taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by
18 the fire protection district which existed prior to the annexation. The amount to be paid annually by
19 the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual
20 assessed value multiplied by the annual tax rate as certified by the fire protection district to the
21 municipality, including any portion of the tax created for emergency medical service provided by the
22 district, per one hundred dollars of assessed value in such area. The tax rate so computed shall
23 include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not
24 include any portion of the tax rate for bonded indebtedness incurred prior to such annexation.
25 Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or
26 after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire
27 protection district board of directors.

28 3. The fire protection district may approve or reject any proposal for the provision of fire
29 protection and emergency medical services by a city.

30
31 [72.400. As used in sections 72.400 to 72.423, the following terms mean:

32 (1) "Boundary adjustment", an adjustment of a boundary between two municipalities or a
33 municipality and the unincorporated area of the county involving all or part of one or more
34 residential parcels in common ownership or an adjustment between two municipalities or a
35 municipality and the unincorporated area of the county involving only public property or public
36 rights-of-way;

Action Taken _____ Date _____

1 (2) "Boundary change", any annexation, consolidation, incorporation, transfer of jurisdiction
2 between municipalities or between a municipality and the county, or combination thereof, which, if
3 approved, would result in a municipality composed of contiguous territory;

4 (3) "Commission", a boundary commission established pursuant to this section;

5 (4) "Contiguousness", territory proposed for annexation in which at least fifteen percent of
6 its boundary is adjacent to the municipality which is proposing the annexation or territory proposed
7 for addition to an established unincorporated area in which at least fifteen percent of its boundary is
8 adjacent to the established unincorporated area;

9 (5) "Established unincorporated area", an area in the unincorporated area of the county
10 which has been approved by the voters pursuant to section 72.422 to remain unincorporated and not
11 subject to any boundary change except as otherwise provided;

12 (6) "Proposing agent", the governing body of any municipality which by ordinance has
13 adopted a boundary change proposal or the governing body of the county which by ordinance has
14 adopted a boundary change proposal, or the chief elected official of the county who has authorized
15 the filing of an unincorporated area proposal, or a person presenting petitions for incorporation
16 signed by a number of registered voters equal to not less than fifteen percent of the number of votes
17 cast for governor in the last gubernatorial election in the total combined area affected by the
18 boundary change proposal. Petitions submitted by proposing agents may be submitted with
19 exclusions for the signatures collected in areas originally included in the proposal but subsequently
20 annexed or incorporated separately as a municipality, although the commission shall be satisfied as
21 to the sufficiency of the signatures for the final proposed area;

22 (7) "Voting jurisdiction", a city, town or village, or areas of unincorporated territory with
23 boundaries established by the commission for purposes of holding a boundary change election.]
24

25 [72.401. 1. If a commission has been established pursuant to section 72.400 in any county
26 with a charter form of government where fifty or more cities, towns and villages have been
27 established, any boundary change within the county shall proceed solely and exclusively in the
28 manner provided for by sections 72.400 to 72.423, notwithstanding any statutory provisions to the
29 contrary concerning such boundary changes.

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

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

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

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

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

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

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

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

20 5. Each of the appointing authorities described in subdivisions (1) to (4) of subsection 3 of
21 this section shall meet within thirty days of the passage of the ordinance establishing the commission
22 to compile its list of appointees. Each list shall be delivered to the county executive within forty-one
23 days of the passage of such ordinance. The county executive shall appoint members within
24 forty-five days of the passage of the ordinance. If a list is not submitted by the time specified, the
25 county executive shall appoint the members using the criteria of subsection 3 of this section before
26 the sixtieth day from the passage of the ordinance. At the first meeting of the commission appointed
27 after the effective date of the ordinance, the commissioners shall choose by lot the length of their
28 terms. Three shall serve for one year, two for two years, two for three years, two for four years, and
29 two for five years. All succeeding commissioners shall serve for five years. Terms shall end on
30 December thirty-first of the respective year. No commissioner shall serve more than two consecutive
31 full terms. Full terms shall include any term longer than two years.

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

38 7. The commission, its employees and subcontractors shall be subject to the regulation of
39 conflicts of interest as defined in sections 105.450 to 105.498 and to the requirements for open
40 meetings and records under chapter 610.

41 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment approved
42 by the residential property owners and the governing bodies of the affected municipalities or the
43 county, if involved, and any voluntary annexation approved by municipal ordinance provided that
44 the municipality owns the area to be annexed, that the area is contiguous with the municipality, and
45 that the area is utilized only for parks and recreation purposes, shall not be subject to commission
46 review. Such a boundary adjustment or annexation is not prohibited by the existence of an
47 established unincorporated area.]
48

1 [72.402. The commission shall enact and adopt all rules, regulations and procedures that are
2 reasonably necessary to achieve the objectives of sections 72.400 to 72.423 no sooner than
3 twenty-seven calendar days after notifying all municipalities and the county of the proposed rule,
4 regulation or procedure enactment or change. Notice may be given by ordinary mail or by
5 publishing in at least one newspaper of general circulation qualified to publish legal notices. No new
6 or amended rule, regulation or procedure shall apply retroactively to any boundary change or
7 unincorporated area proposal pending before the commission.]
8

9 [72.403. 1. The commission shall review all proposed boundary changes of any area wholly
10 or partially within the county. After June 27, 2000, no boundary change or unincorporated area
11 proposal shall be submitted to or considered by the commission until April 15, 2001, except for
12 consolidations.

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

33 2. When a boundary change proposal has been submitted to the commission, the commission
34 shall, within twenty-one days of receipt of such proposal, publish notice of such proposal and the
35 date of the public hearing thereon in at least one newspaper of general circulation qualified to
36 publish legal notices. Within twenty-one days of receipt of such proposal, the commission shall also
37 mail written notification of such proposal and public hearing date to the county clerk, and to the city
38 or village clerk of each municipality or village, and to any other political subdivision which, in the
39 opinion of the commission, is materially affected by the proposal. The costs of publication and
40 notification shall be borne by the proposing agent. The commission shall hold such public hearing
41 concerning the proposal not less than fourteen nor more than sixty days after such publication and
42 notification are complete. At such public hearing, the county, the proposing agent and affected
43 municipalities shall be parties, and any other interested person, corporation, or political subdivision
44 may also present evidence regarding the proposed boundary change. A boundary change proposal
45 which has been disapproved by the commission and which is resubmitted with changes to the
46 commission shall be subject to the public hearing requirement of this section, unless the commission
47 determines that a public hearing on the resubmitted proposal is not necessary to achieve the
48 objectives of sections 72.400 to 72.423.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39 5. Nothing in sections 72.400 to 72.423 shall be construed to prevent the boundary
40 commission or its staff from advising proposing agents on issues related to proposals. The
41 commission may meet informally, subject to the requirements of chapter 610, with the
42 representatives of municipalities, other government entities or county residents with regard to future
43 boundary changes.]

44
45 [72.405. 1. For any proposed boundary change submitted after August 28, 1995, the
46 commission shall issue a finding approving or disapproving such proposals within nine months after
47 such submittal, except that final action may be deferred on part or all of a boundary change proposal
48 when necessary to accommodate an overlapping boundary change or unincorporated area proposal as

1 more particularly provided in subsection 10 of this section. If the commission finds in favor of a
2 proposed boundary change, it shall submit the question to the voters residing within the areas subject
3 to the proposed boundary change, except as provided in subsection 6 of this section.

4 2. If a boundary change is proposed by a municipality or the county and if the commission
5 finds against the proposed boundary change submitted by a municipality or the county, it shall
6 disapprove the boundary change proposal.

7 In disapproving any boundary change proposal, the commission shall issue a document indicating
8 the reasons such proposal was disapproved. No election shall be held on any such proposal not
9 approved by the commission.

10 3. If the boundary change is an incorporation proposed pursuant to a petition, the
11 commission may make such changes in the proposal as it finds would result in an acceptable
12 proposal, such changes to include but not be limited to additions, deletions or the modification of a
13 proposal which contains boundaries which overlap those boundaries contained in any other proposal.
14 After submittal, the commission may allow the proposing agent to make minor additions, deletions
15 or modifications which do not substantially alter the proposal. When reviewing more than one
16 boundary change proposal made by petition, the commission may consolidate two or more
17 unincorporated areas into one proposed boundary change. Any changes made by the commission
18 shall meet the criteria established pursuant to section 72.403.

19 4. Where a proposal submitted by a municipality, the county or by a petition, contains more
20 than two voting jurisdictions, the commission may provide for approval of a boundary change
21 comprising only those municipalities and unincorporated area where a majority of voters approve the
22 boundary change if the resulting municipality would meet the criteria established pursuant to section
23 72.403.

24 5. If a boundary change is proposed by a municipality or the county and the commission
25 determines that there is a minor error or discrepancy in the legal descriptions of the areas subject to
26 the proposal as submitted by the municipality or county, then the commission with the concurrence
27 of the proposing agent may make such changes to the proposal as are necessary to rectify the error in
28 the legal description.

29 6. A simplified boundary change may be proposed by:

30 (1) A verified petition signed by seventy-five percent of the registered voters within the area
31 proposed to be annexed which is predominately residential in character and has an average
32 residential density of not less than one dwelling per three acres which is filed by the annexing
33 municipality; or

34 (2) Two municipalities for a transfer of jurisdiction between them or a municipality and the
35 county for a transfer of jurisdiction between a municipality and the county. Within twenty-one days
36 of receipt of a proposal pursuant to this subsection, the commission shall publish notice of such
37 proposal and the date of the public hearing thereon in at least one newspaper of general circulation
38 qualified to publish legal notices. The commission shall, within twenty-one days of receipt of such
39 proposal, mail written notification of such proposal and the date of the public hearing thereon to the
40 county clerk, and to the city or village clerk of each municipality or village, and to any other political
41 subdivision which, in the opinion of the commission, is materially affected by such proposal. The
42 commission shall hold a public hearing concerning the matter not less than fourteen nor more than
43 sixty days after such publication and notification is complete. At the public hearing any interested
44 person, corporation or political subdivision may present evidence regarding the proposed boundary
45 change. Within four months of receipt of the proposal, the commission shall determine whether to
46 disapprove the proposal, or to approve the proposal and allow it to proceed as an approved boundary
47 change to be adopted or rejected by the voters pursuant to section 72.407, or to approve the proposal
48 as a simplified boundary change, for which no vote shall be required, except that final action may be

1 deferred on part or all of a simplified boundary change proposal when necessary to accommodate an
2 overlapping boundary change or unincorporated area proposal as more particularly provided in
3 subsection 10 of this section. In making its determination, the commission shall consider the factors
4 set forth in subsection 3 of section 72.403. If the commission determines that the proposal should be
5 approved as a simplified boundary change, such proposal shall become effective upon the date set
6 forth in the commission's written report of approval.

7 7. A municipality which wishes to propose a boundary change containing two or more
8 unincorporated areas that are noncontiguous to each other shall submit separate proposals for the
9 unincorporated areas that are noncontiguous to each other, in which case there shall be a separate
10 vote for each proposal approved by the commission. The municipality may:

11 (1) Adopt and submit separate ordinances for each such separate proposal; or

12 (2) Adopt and submit one ordinance containing said separate proposals, which ordinance
13 shall clearly state that the municipality is making multiple, separate proposals, and is desirous of
14 separate votes for each separate proposal. The ordinance shall also clearly identify each separate
15 proposal that the municipality is making.

16 8. The commission shall not approve any boundary change proposal in which more than fifty
17 percent of the combined land subject to the proposal is unincorporated territory or territories unless
18 the area subject to the proposal has a population of more than ten thousand persons.

19 9. A proposing agent may modify its proposal and submit additional information during the
20 review period.

21 10. The commission may defer final action on part or all of a boundary change proposal or
22 proposal for an established unincorporated area beyond the periods provided for their consideration
23 in order to allow an election with respect to an overlapping boundary change or unincorporated area
24 proposal in order to maximize the ability of voters to determine their own status. Such deferral may
25 be ordered only when the proposal granted such priority is filed with the commission no later than
26 sixty days after the proposal on which action will be deferred and only when the commission
27 determines that the population of the overlapping area is a greater proportion of the proposal given
28 priority than of the proposal on which action is deferred. The commission shall take final action on
29 the deferred proposal within forty-five days of the election at which the proposal granted priority is
30 decided. The proposing agent may modify the proposal in accordance with the results of the
31 election.]

32
33 [72.407. 1. Boundary changes may be adopted by the voters in the following manner:

34 (1) If the commission approves a proposed boundary change containing more than one
35 municipality and no unincorporated areas, such proposal shall be adopted if a separate majority of
36 the votes cast on the question in each municipality are in favor of the boundary change, except as
37 provided in subsection 4 of section 72.405;

38 (2) If the commission approves a proposed boundary change containing one or more
39 municipalities and at least one unincorporated area, such proposal shall be adopted if a separate
40 majority of the votes cast on the question in each municipality and a separate majority of votes cast
41 in each voting jurisdiction comprising unincorporated areas of the county are in favor of the
42 boundary change, except as provided in subsection 4 of section 72.405. If a voting jurisdiction
43 comprising unincorporated areas of the county has no residents or if no votes are cast for or against
44 the boundary change, such boundary change shall become effective if a majority of the votes cast in
45 all other voting jurisdictions and municipalities are in favor of the boundary change. If the
46 commission approves a proposed boundary change containing one or more municipalities and at
47 least one unincorporated area which is classified as an unincorporated pocket, such proposal shall be
48 adopted if a separate majority of the votes cast on the question in each municipality and a majority of

1 votes cast in the whole municipality which would result from the boundary change are in favor of the
2 boundary change, except as provided in subsection 4 of section 72.405. As used in this subdivision,
3 the term "unincorporated pocket" means an unincorporated territory with an average residential
4 density in excess of one dwelling per three acres, which has a population of no more than five
5 hundred, which is accessible by public or private roadway only from incorporated jurisdictions
6 and/or another county, and which the commission has determined presents practical difficulties for
7 service by the county by reason of its isolation.

8 2. Any election held pursuant to sections 72.400 to 72.423 shall be held on a date established
9 by the commission in accordance with the provisions of chapter 115. If the proposing agent is a
10 petitioner or the governing body of the county, all costs of the election shall be paid by the county. If
11 the proposing agent is the governing body of any municipality, the cost of such election in each
12 municipality shall be paid by each municipality and if the proposal contains any unincorporated
13 territory the cost of the election in the unincorporated territory shall be paid by the county.

14 3. Questions concerning the annexation of an area covered by sections 72.400 to 72.423 and
15 the incorporation of the same area shall not be put to the voters at the same election. Any such
16 election where the questions of annexation and incorporation have been put to the voters shall be
17 void in the area covered by both propositions. This subsection shall not affect the results of that
18 election in areas where both questions were not put to the voters at the same time. When boundary
19 change proposals for annexation and for incorporation cover the same area, the proposal for
20 annexation shall be put to the voters first.]

21
22 [72.408. 1. If a boundary change is disapproved by the voters, no boundary change which
23 contains more than sixty percent of the area of the disapproved boundary change shall be submitted
24 to or processed by the commission any sooner than two years after the date of the disapproved
25 boundary change.

26 2. Every petition shall be presented to the commission within two hundred eighty days
27 following the date on which the first signature was affixed to the petition, or any part thereof, except
28 that the period of time from June 14, 1999, to April 15, 2001, shall be excluded. Failure to present a
29 petition within the foregoing time period shall render the petition absolutely void.]

30
31 [72.409. 1. If a proposed boundary change is approved by the voters, such proposal shall be
32 effective six months following the date of the election or the date specified in such proposal,
33 whichever date is later. Immediately following the certification of the election, the commission shall
34 establish a committee to determine the details of the transition. The governing body of each affected
35 municipality shall select two members and the governing body of the county in which each
36 unincorporated territory is situated shall select two members from the affected unincorporated
37 territory to meet with similar members appointed from other affected municipalities and the
38 unincorporated territory. The committee shall disband no later than the date the boundary change
39 becomes effective. The governing body of the county may delay declaring a newly incorporated
40 municipality for a period not to exceed six months at the request of the boundary commission to
41 provide for an orderly transition from unincorporated to incorporated status.

42 2. If a conflict shall exist between the provisions of sections 72.400 to 72.423 and the orders,
43 ordinances or charters of any statutory or charter cities affected by sections 72.400 to 72.423, the
44 provisions of sections 72.400 to 72.423 shall prevail.

45 3. If a boundary change involves an annexation, failure of the proposing agent to provide
46 services to the area being annexed or to zone in compliance with the plan of intent required of the
47 proposing agent within three years of the boundary change becoming effective, unless compliance is
48 made unreasonable, shall give rise to a cause of action for deannexation which may be filed in the

1 circuit court by any resident who was residing in the area at the time the boundary change became
2 effective.]

3
4 [72.412. 1. The commission, once established, shall not be a county commission but shall
5 act as an independent commission. The commission may hire such staff and acquire such facilities
6 as it finds necessary to carry out its duties.

7 2. The commission shall submit a budget requesting the funds necessary to carry out its
8 duties pursuant to sections 72.400 to 72.423. The county shall appropriate and provide a reasonable
9 and necessary level of funding for the commission to carry out its statutory duties. In addition, the
10 county shall upon request provide petitioners with such available information as may be necessary to
11 develop a plan of intent. Funding must provide for at least one professional staff person, one
12 attorney or the equivalent funds for legal services, and clerical support for the professional staff and
13 attorney. All salary levels shall be based upon the personnel system in use for county employees.

14 3. The commission shall provide by rule for an application fee for municipal annexations in
15 the amount of one dollar per resident of the proposed annexation area to defray the commission's
16 cost of processing and reviewing proposals.]

17
18 [72.414. If the approval of the boundary change creates a new municipality, the governing
19 body of the county shall declare such municipality, designating in such order the metes and bounds
20 thereof, and henceforth the inhabitants within such bounds shall be a body politic and incorporate, by
21 the name and style of "the city of" and the first officers of such city shall be designated by
22 the order of the governing body of the county, and they shall hold their offices until the next
23 municipal election and until their successors shall be duly elected and qualified.]

24
25 [72.416. The county, an interested municipality, or any other interested party may bring an
26 appropriate civil action against the commission regarding a proposed boundary change,
27 unincorporated area proposal, or other commission action or failure to act. In any civil action
28 brought against the commission regarding a proposed boundary change, if the commission prevails
29 in the action, the court may require the party who initiated the action to pay to the commission the
30 reasonable costs incurred by the commission in opposing the action, including attorney's fees.]

31
32 [72.420. 1. The provisions of this section shall apply to the consolidation of two or more
33 cities, towns, villages, unincorporated areas, or any combination thereof, in any county with a
34 charter form of government where fifty or more cities, towns and villages have been incorporated. If
35 a boundary commission has been established pursuant to section 72.400, such proposal shall be
36 submitted to the commission, but if no such commission has been established, consolidation of such
37 areas shall be accomplished pursuant to this section. All municipalities and unincorporated areas
38 which may be consolidated under the procedures established in this section must be contiguous to
39 each other, so that if the consolidation is approved by the voters pursuant to subsections 7 to 9 of this
40 section, there will be one municipality with all parts contiguous to at least one other portion of the
41 new municipality.

42 2. Whenever a petition for consolidation containing the signatures of at least fifteen percent
43 of the qualified voters of each municipality or unincorporated area, determined on the basis of the
44 number of votes cast for governor at the last gubernatorial election held prior to the filing of the
45 petition, is received by the governing body of the county, the governing body of the county shall
46 submit the question of consolidation to the qualified voters of each municipality and unincorporated
47 area named in the petition at the next state or county primary, general or special election. The
48 petition need not contain signatures of qualified voters of a municipality if the governing body of

1 such municipality adopts an ordinance approving the proposed consolidation which meets the
 2 requirements of subsection 5 of this section, and sends a copy of the ordinance to the governing body
 3 of the county in conjunction with the petition prescribed by this subsection.

4 3. A petition for consolidation shall contain the following:

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

7 (2) The proposed effective date of consolidation;

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

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

12
 13 The petition may contain the form of government, the name of the municipality as consolidated and
 14 the details of transition, such as which officers will serve, which employees shall be retained, what
 15 taxes will be collected, what ordinances will be in effect and similar matters for the operation of the
 16 consolidated municipality until the new governing body provides otherwise.

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

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

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

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

24 (3) The number of votes cast in the last election in that municipality. The ordinance may
 25 contain the form of government, the name of the municipality as consolidated, and the details of
 26 transition prescribed in subsection 3 of this section.

27 6. The costs of an election held under this section shall be assessed proportionately to each
 28 municipality; however, when a voting jurisdiction is composed of unincorporated territory or
 29 territories, all costs of the election in such voting jurisdictions shall be paid proportionally by each
 30 municipality in the proposed consolidation. Proportional election costs paid under this section shall
 31 be assessed by charging each municipality the same percentage of the total cost of the election as the
 32 number of registered voters of the municipality on the day of the election is to the total number of
 33 registered voters on the day of the election, derived by adding together the number of registered
 34 voters in each municipality.

35 7. The question shall be submitted separately, but on the same date, to each municipality and
 36 unincorporated area described in the petition or ordinances filed pursuant to subsections 2 to 5 of this
 37 section. The question shall be submitted in substantially the following form:

38 Shall the municipalities of (list all municipalities) be consolidated into one
 39 municipality?

40 YES NO

41 The consolidation shall only become effective if a separate majority of the votes cast on the proposal
 42 in each municipality and unincorporated area affected by such proposal are in favor of the
 43 consolidation. If the voters of any municipality or unincorporated area vote against such proposal,
 44 the consolidation shall not take effect, even if the voters of all other municipalities and
 45 unincorporated areas vote in favor of the proposal.

46 8. If a consolidation is approved by the voters, such proposal shall be effective six months
 47 following the date of the election or the date specified in such proposal, whichever date is later.
 48 Immediately following the certification of the election, the governing body of each affected

1 municipality shall select two members and the governing body of the county in which each
 2 unincorporated territory is situated shall select two members from each affected unincorporated
 3 territory to meet with similar members appointed from other affected municipalities and
 4 unincorporated territories in order to determine the details of the transition.

5 9. If the consolidation is approved, it shall create a new municipality, and the governing
 6 body of the county shall declare such municipality, designating in such order the metes and bounds
 7 thereof, and henceforth the inhabitants within such bounds shall be a body politic and incorporate, by
 8 the name and style of "the city of".]
 9

10 [72.422. 1. Notwithstanding any other provision of sections 72.400 to 72.420 to the
 11 contrary, residents of an unincorporated area of a county may remain unincorporated and not subject
 12 to any boundary change pursuant to sections 72.400 to 72.420 if the following are satisfied:

13 (1) The county petitions the boundary commission;

14 (2) A legal description of the unincorporated area accompanies the petition. If there is a
 15 minor error or discrepancy in the legal description of the unincorporated area, the commission, with
 16 the concurrence of the county, may make such changes to the proposal as are necessary to rectify the
 17 error in the legal description;

18 (3) The unincorporated area either contains a population of not less than two thousand five
 19 hundred or is contiguous with an existing established unincorporated area;

20 (4) A plan of intent accompanies the petition addressing the issues to be considered by the
 21 commission.

22 2. When an unincorporated area proposal has been submitted to the commission, the
 23 commission shall, within twenty-one days of receipt of such proposal, publish notice of such
 24 proposal and the date of the public hearing thereon in at least one newspaper of general circulation
 25 qualified to publish legal notices. Within twenty-one days of receipt of such proposal, the
 26 commission shall also mail written notification of such proposal and public hearing date to the
 27 county clerk, and to the city or village clerk of each neighboring municipality or village, and to any
 28 other political subdivision which, in the opinion of the commission, is materially affected by the
 29 proposal. The costs of publication and notification shall be borne by the county. The commission
 30 shall hold such public hearing concerning the proposal not less than fourteen nor more than sixty
 31 days after such publication and notification are complete. At such public hearing, the county and
 32 any municipality with an overlapping map plan shall be parties, and any other interested person,
 33 corporation, or political subdivision may also present evidence regarding the unincorporated area
 34 proposal. An unincorporated area proposal which has been disapproved by the commission and
 35 which is resubmitted with changes to the commission shall be subject to the public hearing
 36 requirement of this section, unless the commission determines that a public hearing on the
 37 resubmitted proposal is not necessary to achieve the objectives of this section. The commission shall
 38 issue findings approving or disapproving such proposal within nine months after submittal, except
 39 that final action may be deferred on part or all of an unincorporated proposal when necessary to
 40 accommodate an overlapping boundary change proposal as more particularly provided in subsection
 41 10 of section 72.405. The proposal shall be submitted at the next general or special election in
 42 accordance with the provisions of chapter 115. The cost of the election shall be paid by the county.
 43 If the proposal is approved by the voters then the area shall be an established unincorporated area
 44 and shall remain unincorporated territory for a period of five years from the date of the vote and
 45 shall not be subject to any boundary change pursuant to sections 72.400 to 72.420.

46 3. In reviewing any proposed unincorporated area proposal, the commission shall approve
 47 such proposal if it finds that continued provision of local services to the area by the county will not
 48 impose an unreasonable burden on county government and that such designation is in the best

1 interest of the unincorporated territories affected by the proposal and the areas of the county next to
2 such area. In making its determination, the commission shall consider the following factors:

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

5 (a) The area subject to the proposed established unincorporated area and its residents;

6 (b) Adjoining areas not involved in the proposed established area and the residents thereof;
7 and

8 (c) The entire geographic area of the county and its residents;

9 (2) A legal description of the unincorporated area;

10 (3) The creation of logical and reasonable municipal boundaries in the county, and for such
11 purpose the commission shall have the ability to make additions, deletions and modifications which
12 address legal boundaries, technical or service delivery problems or boundaries which overlap those
13 of other proposals; however, such additions, deletions and modifications shall not make substantial
14 changes to any proposed unincorporated area proposal;

15 (4) Whether approval of the unincorporated area proposal will result in unreasonable
16 difficulty in provision of services by the county;

17 (5) The effect approval of the established unincorporated area will have on the distribution
18 of tax resources in the county;

19 (6) The compactness of the area subject to such proposal.

20 4. After approval by the voters of an unincorporated area proposal, no boundary change
21 affecting any part of such area shall be proposed to the commission until expiration of the area's
22 status as an established unincorporated area, but map plans affecting the area may be filed during the
23 planning period pursuant to section 72.423. If no map plan of a boundary change proposal with
24 respect to an established unincorporated area has been submitted during the most recent planning
25 period pursuant to section 72.423, the commission shall commence review of the circumstances of
26 such established unincorporated area six months prior to its expiration, and shall submit
27 reauthorization of such unincorporated area to the voters if the commission determines that its
28 circumstances have not materially changed since it was approved.]

29
30 [72.423. 1. In any county in which a boundary commission has been established pursuant to
31 section 72.400, all boundary changes and unincorporated area proposals shall be subject to the
32 five-year planning cycle mandated in this section. No municipality nor other person shall file, nor
33 shall the commission accept or review, any boundary change or unincorporated area proposal which
34 has not previously been submitted to the commission for map plan review and comment as provided
35 in this section, except that consolidations of municipalities and transfers of jurisdiction pursuant to
36 subdivision (2) of subsection 6 of section 72.405 may be sought at any time without prior submission
37 for map plan review and comment as provided in this section.

38 2. Between January 1, 2000, and July 1, 2000, and between January first and July first of
39 each sixth year thereafter, each municipality, the county, and any citizen group may present general
40 maps of proposed boundary changes and proposed established unincorporated areas to the
41 commission for map plan review. Proposed incorporations and unincorporated areas, if not
42 submitted by the county, shall be submitted by petition of no less than five percent of the registered
43 voters within the proposed area. Boundary change and unincorporated area maps shall not be
44 accompanied by a plan of intent, but shall be depicted with sufficient detail and accuracy to permit
45 review and comment.

46 3. Between August 1, 2000, and December 31, 2000, and each sixth year thereafter, the
47 commission shall solicit written comments on all boundary change and established unincorporated
48 area map plans and shall hold informational public hearings in or near the affected areas, at which

1 the county, any municipality, or other interested person shall be heard. The commission may
2 encourage negotiation between parties involved in competing map plans. Map plans may be
3 amended by the submitting parties until April fifteenth of the year following map plan submission
4 based on negotiation or based on the hearings or other comments, but no such amendment shall
5 enlarge the boundary change or unincorporated area map plan beyond the area originally submitted,
6 except for minor technical amendments necessary to address boundary issues.

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

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

17
18 [72.430. A county or any other interested municipality or person may bring an action against
19 the commission established pursuant to section 72.400 contesting a proposed boundary change or
20 other commission action.]" ; and

21
22 Further amend said bill by amending the title, enacting clause, and intersectional references
23 accordingly.