

FIRST REGULAR SESSION

HOUSE BILL NO. 1163

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHAAF.

Read 1st time March 26, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

2706L.01I

AN ACT

To amend chapter 67, RSMo, by adding thereto six new sections relating to consolidation of political subdivisions.

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

Section A. Chapter 67, RSMo, is amended by adding thereto six new sections, to be known as sections 67.2100, 67.2101, 67.2102, 67.2103, 67.2104, and 67.2105, to read as follows:

67.2100. 1. As used in sections 67.2100 to 67.2105, the following terms mean:

(1) "City", any home rule city with more than seventy-three thousand but fewer than seventy-five thousand inhabitants;

(2) "Commission", the consolidation study commission authorized in sections 67.2100 to 67.2105;

(3) "County", any county of the first classification with more than eighty-five thousand nine hundred but fewer than eighty-six thousand inhabitants.

2. The governing bodies of any city and county may, by order or ordinance, agree to establish a commission to study the consolidation of certain offices, functions, services, and operations of the county and the city. No such order or ordinance adopted under sections 67.2100 to 67.2105 shall become effective unless the governing bodies of the city and county submits to the voters residing within the city and county at a state general, primary, or special election a proposal to authorize the governing bodies of the city and county to establish a commission under sections 67.2100 to 67.2105. If a majority of the

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.

15 votes cast in both the city and the county on the question by the qualified voters voting
16 thereon are in favor of the question, then the governor shall appoint a commission as
17 provided in section 67.2101. If a majority of the votes cast on the question by the qualified
18 voters voting thereon are opposed to the question, then no commission shall be established
19 unless and until the question is resubmitted under this section to the qualified voters and
20 such question is approved by a majority of the qualified voters voting on the question in
21 both the city and the county.

67.2101. 1. If establishment is approved under section 67.2100, the governor shall
2 appoint a commission within three months of the approval of the establishment of the
3 commission under section 67.2100. The commission shall be known as the "Consolidation
4 Study Commission", and shall consist of five members. No more than three members of
5 the commission shall be from the same political party. Members of the commission shall
6 include, but not be limited to, persons with experience in accounting, business
7 management, municipal finance, law, education, political science or public administration.
8 No elected official or full-time employee of the city or the county, or of any city, town, or
9 village within the county, nor any person appointed to fill a vacancy in an elected office of
10 such cities, towns, villages, or county, shall serve on the commission. Members of the
11 commission shall be residents of the county. The members shall not receive compensation
12 for their services, but may be reimbursed by the city and county for their actual and
13 necessary expenses incurred in service of the commission.

14 2. The governor shall appoint an executive director of the commission. The
15 executive director shall receive compensation established by the governor, within the limits
16 of appropriations for that purpose. The executive director shall employ other staff and
17 may contract with consultants as the executive director deems necessary to carry out the
18 functions of the commission. Staff employed by the executive director shall receive
19 compensation established by the executive director and approved by the governor, within
20 the limits of appropriations for that purpose.

21 3. Within thirty days following the appointment of all members of the commission,
22 the commission shall meet and organize by the election of a chair and vice-chair and other
23 officers deemed necessary. The commission may adopt rules governing the conduct of its
24 meetings.

67.2102. 1. The commission shall prepare and adopt a plan addressing the
2 consolidation of the city and county or certain city and county offices, functions, services,
3 and operations. The commission shall conduct such studies and investigations as it deems
4 appropriate to complete its work. Such studies and investigations shall include, but not be
5 limited to:

6 **(1) Studies of the efficiency and effectiveness of the administrative operations of the**
7 **city and county;**

8 **(2) Studies of the costs and benefits of consolidating the city and county or certain**
9 **city and county offices, functions, services, and operations.**

10 **2. The commission shall hold public hearings for the purpose of receiving**
11 **information and materials which will aid in the drafting of the plan.**

12 **3. For the purposes of performing its studies and investigations, the commission or**
13 **its executive director may administer oaths and affirmations, subpoena witnesses, compel**
14 **their attendance, take evidence, require the production of any books, papers,**
15 **correspondence, memoranda, agreements, or other documents or records which the**
16 **commission or executive director deems relevant or material to its studies and**
17 **investigation.**

18 **4. Within six months after the commission's initial meeting, the commission shall**
19 **prepare and adopt a preliminary plan addressing the consolidation of the city and county**
20 **or certain city and county offices, functions, services, and operations it deems advisable.**
21 **Copies of the preliminary plan shall be filed with the county election officer, city clerk, and**
22 **each public library within the county, and shall be available to members of the public for**
23 **inspection upon request. The commission shall hold at least one public hearing to obtain**
24 **citizen views concerning the preliminary plan. Notice of such hearing or hearings shall be**
25 **published at least once in a newspaper of general circulation within the county. Following**
26 **the public hearings on the preliminary plan, the commission may adopt, or modify and**
27 **adopt, the preliminary plan as the final plan.**

28 **5. Within two months of the adoption of the preliminary plan, the commission shall**
29 **submit its final plan to the governor and general assembly. The final plan shall include the**
30 **full text and an explanation of the proposed plan, and comments deemed desirable by the**
31 **commission, a written opinion by an attorney admitted to practice law in this state and**
32 **retained by the executive director for such purpose that the proposed plan is not in conflict**
33 **with the constitution or the laws of the state, and any minority reports. Copies of the final**
34 **plan shall be filed with the county election officer, city clerk, and each public library within**
35 **the county and shall be available to members of the public for inspection upon request.**
36 **The commission shall continue in existence at least ninety days following the submission**
37 **of the final plan under this subsection.**

38 **6. Unless the general assembly rejects such plan by concurrent resolution, the plan**
39 **shall be submitted to the qualified electors of the county at a state general, primary, or**
40 **special election. A summary of the final plan shall be prepared by the commission and**
41 **shall be published once each week for two consecutive weeks in a newspaper of general**

42 circulation within the county. If a majority of the votes cast in both the city and the county
43 on the question by the qualified voters voting thereon are in favor of the question, then the
44 plan shall be implemented. If a majority of the votes cast on the question by the qualified
45 voters voting thereon are opposed to the question, then the proposed consolidation plan
46 shall not be implemented. If the commission submits a final plan which does not
47 recommend the consolidation of the city and county or certain city and county offices,
48 functions, services, and operations, the provisions of this subsection shall not apply.

67.2103. 1. Any plan submitted by the commission shall provide for the exercise
2 of powers of local legislation and administration consistent with the constitution or other
3 laws of this state.

4 2. If the commission submits a plan providing for the consolidation of certain city
5 and county offices, functions, services, and operations, the plan shall:

6 (1) Include a description of the form, structure, functions, powers, and officers and
7 the duties of such officers recommended in the plan;

8 (2) Provide for the method of amendment of the plan;

9 (3) Authorize the appointment of, or elimination of elective officials and offices;

10 (4) Specify the effective date of the consolidation;

11 (5) Include other provisions determined necessary by the commission.

12 3. If the plan provides for the consolidation of the city and county, in addition to
13 the requirements of subsection 2 of this section the plan shall:

14 (1) Fix the boundaries of the governing body's election districts, provide a method
15 for changing the boundaries from time-to-time, any at-large positions on the governing
16 body, fix the number, term, and initial compensation of the governing body of the
17 consolidated city-county and the method of election;

18 (2) Determine whether elections of the governing body of the consolidated
19 city-county shall be partisan or nonpartisan elections and the time at which such elections
20 shall be held;

21 (3) Determine the distribution of legislative and administrative duties of the
22 consolidated city-county officials, provide for consolidation or expansion of services as
23 necessary, authorize the appointment of a consolidated city-county administrator or a
24 city-county manager, if deemed advisable, and prescribe the general structure of the
25 consolidated city-county government;

26 (4) Provide for the official name of the consolidated city-county;

27 (5) Provide for the transfer or other disposition of property and other rights,
28 claims, and assets of the county and city.

67.2104. 1. If the voters approve a plan which provides for the consolidation of the city and county, such consolidated city-county shall be subject to the provisions of this section.

2. Except as provided in subsection 3 of this section, and in any other statute which specifically exempts bonds from the statutory limitations on bonded indebtedness, the limitation on bonded indebtedness of a consolidated city-county under this act shall be thirty percent of the assessed value of all tangible taxable property within such county on the preceding January first.

3. The following shall not be included in computing the total bonded indebtedness of the consolidated city-county for the purposes of determining the limitations on bonded indebtedness:

(1) Bonds issued for the purpose of refunding outstanding debt, including outstanding bonds and matured coupons thereof, or judgments thereon;

(2) Bonds issued for the purpose of financing the construction or remodeling of a courthouse, jail, or law enforcement center facility, which bonds are payable from the proceeds of a sales tax;

(4) Bonds issued for the purpose of acquiring, enlarging, extending, or improving any storm or sanitary sewer system;

(5) Bonds issued for the purpose of acquiring, enlarging, extending, or improving any municipal utility;

(6) Bonds issued to pay the cost of improvements to intersections of streets and alleys or that portion of any street immediately in front of city or school district property.

4. Any bonded indebtedness and interest thereon incurred by the city or county before consolidation shall remain an obligation of the property subject to taxation for the payment thereof before such consolidation.

5. Upon the effective date of the consolidation of the city and county, any sales tax levied by the city or county before such date shall remain in full force and effect, except that part of the rate attributable to the former city shall not apply to retail sales in other cities, towns, or villages in the county.

6. Upon the effective date of the consolidation of the city and county, the territory of the consolidated city-county shall include:

(1) All of the territory of the county for purposes of exercising the powers, duties, and functions of a county;

(2) All of the territory of the county, except the territory of the other cities, towns, or villages within the county, and the unincorporated area of the county, for purposes of exercising the powers, duties and functions of a city.

37 **7. Except for the consolidated city-county and unless otherwise provided by law,**
38 **other political subdivisions of the county shall not be affected by consolidation of the city**
39 **and county. Such other political subdivisions shall continue in existence and operation.**

40 **8. Unless otherwise provided by law, the consolidated city-county shall be eligible**
41 **for the distribution of any funds from the state and federal government as if no**
42 **consolidation had occurred. Except as provided in this subsection, the population and**
43 **assessed valuation of the territory of the consolidated city-county shall be considered its**
44 **population and assessed valuation for purposes of the distribution of moneys from the state**
45 **or federal government.**

46 **9. The consolidated city-county shall be a county of the classification for which the**
47 **county's and city's combined assessed valuations qualifies the county. The governing body**
48 **of the consolidated city-county shall be considered county commissioners and shall have**
49 **all the powers, functions, and duties of a county. The governing body of the consolidated**
50 **city-county shall be responsible for any duties or functions imposed by the Constitution of**
51 **the state of Missouri and other laws of this state upon any county office abolished by the**
52 **consolidation plan. Such duties may be delegated by the governing body or as provided**
53 **in the consolidation plan.**

54 **10. The governing body of the consolidated city-county may create special service**
55 **districts within the city-county and may levy taxes for services provided in such districts.**

56 **11. Changes in the form of government approved by the voters in accordance with**
57 **the consolidation plan shall be made by initiative and referendum.**

67.2105. 1. The governing body of a consolidated city-county shall not annex any
2 **land located outside the county.**

3 **2. The governing body of a consolidated city-county shall not initiate annexation**
4 **procedures of land located within the county, but may annex land upon petition of the**
5 **owners of any such land.**

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