

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 48, Page 1, Section A, Line 6, by inserting after all of said line the following:

“72.401. 1. If a commission has been established pursuant to [section] 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:

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

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

(3) The chief elected officials of all municipalities wholly within the county which have a

1 population of ten thousand persons or less, who shall name one member to the commission as
2 prescribed in this subsection who is a resident of a municipality within the county with a
3 population of ten thousand persons or less;

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

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

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

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

1 and qualified.

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

5 8. Notwithstanding any provisions of law to the contrary, any boundary adjustment
6 approved by the residential property owners and the governing bodies of the affected
7 municipalities or the county, if involved, shall not be subject to commission review. Such a
8 boundary adjustment is not prohibited by the existence of an established unincorporated area.

9 9. Notwithstanding any provisions of law to the contrary, any voluntary annexation
10 approved by ordinance of any municipality that is a service provider for both water and sewer
11 service within the municipality shall be effective as provided in such annexation ordinance and
12 shall not be subject to boundary commission review. Such an annexation is not prohibited by the
13 existence of an established unincorporated area.”; and
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15 Further amend said bill by amending the title, enacting clause, and intersectional references
16 accordingly.
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