

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No.  
2 777, Page 3, Section 67.2050, Line 73, by inserting after all of said line the following:

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

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

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

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

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

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

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

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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

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

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

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

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

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

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45 Further amend said bill by amending the title, enacting clause, and intersectional references  
46 accordingly.  
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