

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 178**  
**91ST GENERAL ASSEMBLY**

Reported from the Committee on Local Government and Related Matters, April 12, 2001, with recommendation that the House Committee Substitute for Senate Bill No. 178 Do Pass.

TED WEDEL, Chief Clerk

0643L.07C

**AN ACT**

To repeal sections 347.189 and 448.3-106, RSMo 2000, relating to ownership of property, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 347.189 and 448.3-106, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 347.189 and 448.3-106, to read as follows:

347.189. Any limited liability company that owns and rents or leases real property, **or owns unoccupied real property**, located within any home rule city with a population of more than four hundred thousand inhabitants which is located in more than one county, shall file with that city's clerk an affidavit listing the name and address of at least one person, who has management control and responsibility for the real property owned and leased or rented by the limited liability company, **or owned by the limited liability company and unoccupied**.

448.3-106. 1. The bylaws of the association shall provide for:

- (1) The number of members of the executive board and the titles of the officers of the association;
- (2) Election by the executive board of a president, treasurer, secretary, and any other officers of the association the bylaws specify;
- (3) The qualifications, powers and duties, terms of office, and manner of electing and removing executive board members and officers and filling vacancies;
- (4) Which, if any, of its powers the executive board or officers may delegate to other persons or to a managing agent;
- (5) Which of its officers may prepare, execute, certify, and record amendments to the declaration on behalf of the association; and

(6) The method of amending the bylaws **subject to the following:**

(a) **Unless the declarant otherwise agrees in writing to permit an amendment to the bylaws in accordance with paragraph (b) of this subdivision, for so long as a declarant is the owner of units representing an aggregate of ten percent or more of the units in which votes in the association are allocated, the bylaws may only be amended with the affirmative vote of at least sixty-seven percent of the unit owners of units to which votes in the association are allocated; and**

(b) **After the declarant ceases to own ten percent or more of the units to which votes in the association are allocated, the bylaws may only be amended with the affirmative vote of a**

**majority of the unit owners of units to which the votes in the association are allocated**

2. Subject to the provisions of the declaration, the bylaws may provide for any other matters the association deems necessary and appropriate.

Unofficial

Bill

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