

SECOND REGULAR SESSION

# SENATE BILL NO. 867

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GRAHAM.

Read 1st time January 12, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4388S.011

## AN ACT

To repeal section 67.797, RSMo, and to enact in lieu thereof one new section relating to regional recreational districts.

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

Section A. Section 67.797, RSMo, is repealed and one new section enacted  
2 in lieu thereof, to be known as section 67.797, to read as follows:

67.797. 1. When a regional recreational district is organized in only one  
2 county, the executive, as that term is defined in subdivision (4) of section 67.750,  
3 with the advice and consent of the governing body of the county shall appoint a  
4 board of directors for the district consisting of seven persons, chosen from the  
5 residents of the district. Where the district is in more than one county, the  
6 executives, as defined in subdivision (4) of section 67.750, of the counties in the  
7 district shall, with the advice and consent of the governing bodies of each county  
8 shall, as nearly as practicable, evenly appoint such members and allocate  
9 staggered terms pursuant to subsection 2 of this section, with the county having  
10 the largest area within the district appointing a greater number of directors if the  
11 directors cannot be appointed evenly. No member of the governing body of the  
12 county or official of any municipal government located within the district shall  
13 be a member of the board and no director shall receive compensation for  
14 performance of duties as a director. Members of the board of directors shall be  
15 citizens of the United States and they shall reside within the district. No board  
16 member shall be interested directly or indirectly in any contract entered into  
17 pursuant to sections 67.792 to 67.799.

18 2. The directors appointed to the regional recreation district shall hold  
19 office for three-year terms, except that of the members first appointed, two shall  
20 hold office for one year, two shall hold office for two years and three shall hold

21 office for three years. The executives of the counties within the regional  
22 recreational district shall meet to determine and implement a fair allocation of  
23 the staggered terms among the counties, provided that counties eligible to appoint  
24 more than one board member may not appoint board members with identical  
25 initial terms until each of a one-year, two-year and three-year initial term has  
26 been applied to such county. On the expiration of such initial terms of  
27 appointment and on the expiration of any subsequent term, the resulting  
28 vacancies shall be filled by the executives of the respective counties, with the  
29 advice and consent of the respective governing bodies. All vacancies on the board  
30 shall be filled in the same manner for the duration of the term being  
31 filled. Board members shall serve until their successors are named and such  
32 successors have commenced their terms as board members. Board members shall  
33 be eligible for reappointment. Upon the petition of the county executive of the  
34 county from which the board member received his or her appointment, the  
35 governing body of the county may remove any board member for misconduct or  
36 neglect of duties.

37         3. Notwithstanding any other provision of sections 67.750 to 67.799, to the  
38 contrary, after August 28, 2004, in any district located in whole or in part in any  
39 county of the first classification with more than one hundred eighty-four thousand  
40 but less than one hundred eighty-eight thousand inhabitants, upon the expiration  
41 of such initial terms of appointment and on the expiration of any subsequent  
42 term, the resulting vacancies shall be filled by election at the next regularly  
43 scheduled election date throughout the district. In the event that a vacancy  
44 exists before the expiration of a term, the governing body of the county shall  
45 appoint a member for the remainder of the unexpired term. Board members shall  
46 be elected for terms of three years. Such elections shall be held according to this  
47 section and the applicable laws of this state. If no person files as a candidate for  
48 election to the vacant office within the applicable deadline for filing as a  
49 candidate, then the governing body of any such county shall appoint a person to  
50 be a member of the board for a term of three years. Any appointed board  
51 members shall be eligible to run for office.

52         4. Directors shall immediately after their appointment meet and organize  
53 by the election of one of their number president, and by the election of such other  
54 officers as they may deem necessary. The directors shall make and adopt such  
55 bylaws, rules and regulations for their guidance and for the government of the  
56 parks, neighborhood trails and recreational grounds and facilities as may be

57 expedient, not inconsistent with sections 67.792 to 67.799. They shall have the  
58 exclusive control of the expenditures of all money collected to the credit of the  
59 regional recreational fund and of the supervision, improvement, care and custody  
60 of public parks, neighborhood trails, recreational facilities and grounds owned,  
61 maintained or managed by the district. All moneys received for such purposes  
62 shall be deposited in the treasury of the county containing the largest portion of  
63 the district to the credit of the regional recreational fund and shall be kept  
64 separate and apart from the other moneys of such county. Such board shall have  
65 power to purchase or otherwise secure ground to be used for such parks,  
66 neighborhood trails, recreational grounds and facilities, shall have power to  
67 appoint suitable persons to maintain such parks, neighborhood trails and  
68 recreational facilities and administer recreational programs and fix their  
69 compensation, and shall have power to remove such appointees.

70       5. The board of directors may issue debt for the district pursuant to  
71 section 67.798.

72       6. If a county, or a portion of a county, not previously part of any district,  
73 shall enter a district, the executives of the new member county and any previous  
74 member counties shall promptly meet to apportion the board seats among the  
75 counties participating in the enlarged district. All purchases in excess of ten  
76 thousand dollars used in the construction or maintenance of any public park,  
77 neighborhood trail or recreational facility in the regional recreation district shall  
78 be made pursuant to the lowest and best bid standard as provided in section  
79 34.040, RSMo, or pursuant to the lowest and best proposal standard as provided  
80 in section 34.042, RSMo. The board of the district shall have the same discretion,  
81 powers and duties as the commissioner of administration has in sections 34.040  
82 and 34.042, RSMo.

83       **7. Notwithstanding any other provisions in this section to the**  
84 **contrary, when a regional recreational district is organized in only one**  
85 **county on land solely owned by the county, the governing body of the**  
86 **county shall have the exclusive control of the expenditures of all money**  
87 **collected to the credit of the regional recreational fund and of the**  
88 **supervision, improvement, care, and custody of public parks,**  
89 **neighborhood trails, recreational facilities and grounds owned,**  
90 **maintained, or managed by the county within the district.**