

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 112
99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, March 2, 2017, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0169S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 182.640 and 182.660, RSMo, and to enact in lieu thereof two new sections relating to public library districts.

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

Section A. Sections 182.640 and 182.660, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 182.640 and 182.660, to
3 read as follows:

182.640. 1. A consolidated public library district created under the
2 provisions of sections 182.610 to 182.670 shall be governed by a board of trustees
3 which shall consist of not less than eight trustees to be appointed by the county
4 commission or county executive officers of the counties participating in the
5 consolidated public library district. **Upon the creation of a consolidated**
6 **district under section 182.620**, the county commission or county executive
7 officers of each participating county shall appoint four trustees who are residents
8 of that county and who reside in the district, as representatives of its county. **If**
9 **an existing consolidated public library district is enlarged by**
10 **incorporating into it any county public library district under section**
11 **182.660, then the county commission or county executive of the**
12 **petitioning county district shall appoint four trustees who are residents**
13 **of that county as representatives of the county. If an existing**
14 **consolidated public library district is enlarged by incorporating into**
15 **it any city, municipal, school, or other public library district which**
16 **does not include an entire county, which includes territory outside of**
17 **the consolidated district's existing boundaries and which petitions to**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 **join the consolidated district under section 182.660, then the county**
19 **commission or county executive of each county within the petitioning**
20 **district that is outside of the consolidated district's existing boundaries**
21 **shall appoint one trustee who resides in their county and also within**
22 **the petitioning district as a representative of the consolidated district.**

23 No appointed trustee shall be an [elective] **elected** official.

24 2. The trustees of the existing boards of a county public district shall
25 remain as the representatives of their respective county and shall serve the
26 remainder of their respective term as the governing board of a consolidated public
27 library district. Upon expiration of their term the county commission or county
28 executive officer shall appoint a resident of the respective county and district for
29 a four-year term beginning the first day of July or until a successor shall be
30 appointed. Trustees in office as of August 28, 2005, who reside outside the
31 district shall be deemed to have vacated their trusteeships and successors shall
32 be appointed under subsection 4 of this section.

33 3. Whenever any member of the board of trustees shall, without good
34 cause, fail to attend six consecutive board meetings of the consolidated public
35 library district or whenever any member of the board of trustees is deemed by the
36 majority of the board of trustees to be guilty of conduct prejudicial to the good
37 order and effective operation of the consolidated public library district, or
38 whenever any member is deemed to be guilty of neglect of duty, then such
39 member may be removed by resolution of the board of trustees duly acted upon,
40 after specification of charge and hearing.

41 4. Vacancies in the board occasioned by removals, resignations, or
42 otherwise shall be reported to the county commission or county executive officers
43 and shall be filled in like manner as original appointments; except that, if the
44 vacancy occurs during an unexpired term, the appointment shall be for only the
45 unexpired portion of that term.

46 5. No person shall be employed by the board of library trustees or by the
47 librarian who is related within the third degree by blood or by marriage to any
48 trustee of the board.

49 6. Except as in sections 182.610 to 182.670 otherwise expressly provided,
50 no trustee of a consolidated public library district shall receive any fee, salary,
51 gratuity or other compensation or remuneration for acting as such; except that,
52 the board of trustees may reimburse its members for actual and necessary
53 expenses incurred in the performance of their duties.

54 7. The board of trustees shall have a president, secretary and a treasurer
55 and such other officers as the board may select. All officers of the board shall be
56 selected by the board. All officers of the board of trustees shall serve at the
57 pleasure of the board, and shall not receive any salary, gratuity or other
58 compensation or reimbursement for acting as such, except the treasurer, who may
59 also serve as secretary.

60 8. The board shall provide for regularly scheduled meetings of the board
61 to be held monthly; except that, the board shall not be required to meet more
62 than ten times in any calendar year. The board shall make and adopt bylaws,
63 rules and regulations governing the proceedings of the board, including bylaws
64 prescribing the duties of each officer of the board of trustees. No bylaws, rules
65 or regulations shall be contrary to, or inconsistent with, any provision of law.

66 9. A majority of the full board of trustees shall constitute a quorum for
67 the transaction of business. The act of the majority of the trustees present at a
68 meeting at which a quorum is present shall be the act of the board of trustees,
69 except as hereinafter provided. The affirmative vote of a majority of the full
70 board of trustees shall be required to enter into any contract, employ or dismiss
71 the chief administrative officer of the district, effect a merger or consolidation or
72 approve a budget.

73 10. The board of trustees of a consolidated public library district shall
74 adopt policies for the government of the consolidated public library district that
75 will carry out the spirit and intent of sections 182.610 to 182.670, and the board
76 shall employ a duly qualified graduate librarian as the chief executive and
77 administrative officer of the consolidated public library district charged with the
78 duty of carrying out the policies adopted by the board. The librarian shall serve
79 at the pleasure of the board. The librarian shall have the authority to employ
80 professional library assistants and other employees to fill the positions that are
81 created by the board. The assistants and employees may be dismissed by the
82 librarian.

182.660. 1. Any consolidated public library district created under sections
2 182.610 to 182.670 may enlarge the area it serves by incorporating into it any
3 county, city, municipal, school or public library district.

4 2. The board of trustees of a county, city, municipal, school or public
5 library district may, by resolution duly acted upon, petition the board of trustees
6 of a consolidated public library district to become a part of and be included in
7 such consolidated public library district. The petitioning district may be admitted

8 into the consolidated public library district upon majority vote of the board of
9 trustees of the consolidated public library district at the prevailing tax rate of the
10 consolidated district. Notice of inclusion of the petitioning district into the
11 consolidated public library district shall be given to the governing authority of the
12 district so included in accordance with the notice provisions set out in section
13 182.620.

14 3. Whenever five percent of the voters of a county, city, municipal, school
15 or public library district shall petition in writing the governing authority of the
16 district to be included in the consolidated public library district and upon written
17 approval by majority vote of the board of trustees of the consolidated public
18 library district, it shall be the duty of the governing authority to submit the
19 question to the voters of the petitioning district at an election.

20 4. Upon admission of any petitioning district by majority vote of the board
21 of trustees of the consolidated public library district or upon majority approval
22 of the voters of any such district for inclusion in the consolidated public library
23 district, the taxing authority and governing authority of the district shall take
24 appropriate action to transfer, within sixty days following the approval or
25 election, all title and interest in all property both real and personal in the name
26 of the district, to the board of trustees of the consolidated public library
27 district. Upon the transfer of the title and interest in the property, it shall
28 become a part of the consolidated public library district **and the petitioning**
29 **district and its board of trustees shall cease to exist. Notwithstanding**
30 **section 182.640 to the contrary, if the petitioning district is a city or**
31 **municipal library district located in part in any county that is not a**
32 **county participating in the consolidated public library district, the**
33 **board of trustees of the consolidated public library district shall**
34 **expand to include one additional trustee appointed by the county**
35 **commissioners or county executive officers of the county not currently**
36 **included in the consolidated public library district. Upon the**
37 **admission of the petitioning district for inclusion in the consolidated**
38 **public library district, the transfer of the title and interest in property**
39 **of such petitioning district, and the appointment of the additional**
40 **trustee, the petitioning district and its board of trustees shall cease to**
41 **exist.**

42 5. If the tax levy for the district admitted is not at the same rate as that
43 of the consolidated public library district or if there is no tax levied in the district

44 for the support of public libraries, then at the beginning of the next taxing period
45 a tax or taxes shall be levied in the district admitted to conform to and be the
46 same as that levied in the consolidated public library district.

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Bill

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