

FIRST REGULAR SESSION

SENATE BILL NO. 583

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR ESLINGER.

2710S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, and to enact in lieu thereof six new sections relating to school district subdistricts.

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

Section A. Sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, to read as follows:

162.261. 1. The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. If there are more than two vacancies at any one time in a county without a county commission, the county executive upon receiving written notice of the vacancies shall fill the vacancies, with the advice and consent of the county council, by appointment. The person appointed shall hold

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

16 office until the next municipal election, when a director
17 shall be elected for the unexpired term.

18 2. No seven-director, urban, or metropolitan school
19 district board of education shall hire a spouse of any
20 member of such board for a vacant or newly created position
21 unless the position has been advertised pursuant to board
22 policy and the superintendent of schools submits a written
23 recommendation for the employment of the spouse to the board
24 of education. The names of all applicants as well as the
25 name of the applicant hired for the position [are to] **shall**
26 be included in the board minutes.

27 3. The provisions of Article VII, Section 6 of the
28 Missouri Constitution apply to school districts.

29 **4. (1) Any seven-director school district may divide**
30 **into subdistricts and provide for the election of**
31 **subdistrict board members as provided in this subsection.**

32 **(2) (a) Before December first of the calendar year**
33 **immediately preceding the general municipal election day in**
34 **the calendar year in which a vote to divide the school**
35 **district into subdistricts will be held, the election**
36 **authority of the county in which the school district is**
37 **located shall divide the school district into seven**
38 **subdistricts of contiguous and compact territory and as**
39 **nearly equal in population as practicable. Within six**
40 **months after each decennial census is reported to the**
41 **President of the United States, the election authority shall**
42 **reapportion the subdistricts to be as nearly equal in**
43 **population as practicable. The subdistricts shall be**
44 **numbered from one upward consecutively, and as much as**
45 **practicable the numbers shall be retained upon**
46 **reapportionment. After the election authority divides the**
47 **school district or reapportions the subdistricts, the**

48 election authority shall notify the residents of the school
49 district as provided by law.

50 (b) Any resident of the school district who believes
51 the election authority has divided the school district or
52 reapportioned the subdistricts in violation of paragraph (a)
53 of this subdivision may petition the circuit court of the
54 county in which the school district exists for an order
55 directing the election authority to divide the school
56 district or reapportion the subdistricts as provided in
57 paragraph (a) of this subdivision. The petition shall be
58 submitted to the circuit court within ten business days of
59 the election authority's notice provided under paragraph (a)
60 of this subdivision.

61 (3) On the first day available for candidate filing
62 for the first general municipal election day occurring after
63 the subdistricts are created under this subsection, any
64 qualified resident who has or will have resided in the
65 subdistrict for the year immediately preceding the general
66 municipal election day may file as a candidate for election
67 to a subdistrict of the school board. At the end of the
68 time available for candidate filing, if no qualified
69 resident of a subdistrict has filed as a candidate in that
70 subdistrict, the election authority shall extend the time
71 for candidate filing by seven additional days and any
72 qualified resident of the school district who has or will
73 have resided in the school district for the year immediately
74 preceding the general municipal election day may file as a
75 candidate for election to that subdistrict of the school
76 board. The election authority shall determine the validity
77 of all declarations of candidacy.

78 (4) When the election is held on the general municipal
79 election day, the seven candidates, one from each of the

80 subdistricts, who receive a plurality of the votes cast by
81 the voters of that subdistrict shall be elected. Any
82 candidate who is not a subdistrict resident but qualifies as
83 a candidate as a school district resident under subdivision
84 (3) of this subsection shall be elected by the voters of the
85 school district. The three members representing
86 subdistricts 2, 4, and 6 of the subdivided school district
87 shall be elected to an initial term of two years, and the
88 remaining four members representing subdistricts 1, 3, 5,
89 and 7 of the subdivided school district shall be elected to
90 an initial term of three years. Each term thereafter shall
91 be a three-year term.

92 (5) Each member shall serve until a successor is
93 elected or the member vacates the office. Any vacancy that
94 occurs before the end of the member's term shall be filled
95 as provided in this section.

96 (6) Except for a member who is not a subdistrict
97 resident but is elected as a school district resident to
98 represent a subdistrict under subdivision (3) of this
99 subsection, each member shall reside in the subdistrict the
100 member represents during the member's term.

101 (7) All other provisions applicable to seven-director
102 school districts that are not in conflict with this
103 subsection shall apply to school districts divided into
104 subdistricts under this subsection.

162.281. Except as provided in subsection 4 of section
2 162.261, in all seven-director districts, including urban
3 districts, when directors are to be elected for terms of
4 different lengths, each candidate shall declare for a term
5 of a specific number of years and the different terms shall
6 be voted upon as separate propositions.

162.291. **Except as provided in subsection 4 of section**
2 **162.261**, the voters of each seven-director district other
3 than urban districts shall, at municipal elections, elect
4 two directors who are citizens of the United States and
5 resident taxpayers of the district, who have resided in this
6 state for one year next preceding their election or
7 appointment, and who are at least twenty-four years of age.

162.471. **1.** The government and control of an urban
2 school district is vested in a board of seven directors.

3 **2. Except as provided in subsection 3 of this section,**
4 each director shall be a voter of the district who has
5 resided within this state for one year next preceding [his]
6 **the director's** election or appointment and who is at least
7 twenty-four years of age. All directors, except as
8 otherwise provided in section 162.481 and section 162.492,
9 hold their offices for six years and until their successors
10 are duly elected and qualified. All vacancies occurring in
11 the board, except as provided in section 162.492, shall be
12 filled by appointment by the board as soon as practicable,
13 and the person appointed shall hold [his] office until the
14 next school board election, when [his] a successor shall be
15 elected for the remainder of the unexpired term. The power
16 of the board to perform any official duty during the
17 existence of a vacancy continues unimpaired thereby.

18 **3. (1) Except as provided in section 162.492, any**
19 **urban school district may divide into subdistricts and**
20 **provide for the election of subdistrict board directors as**
21 **provided in this subsection.**

22 **(2) (a) Before December first of the calendar year**
23 **immediately preceding the general municipal election day in**
24 **the calendar year in which a vote to divide the school**
25 **district into subdistricts will be held, the election**

26 authority of the county in which the school district is
27 located shall divide the school district into seven
28 subdistricts of contiguous and compact territory and as
29 nearly equal in population as practicable. Within six
30 months after each decennial census is reported to the
31 President of the United States, the election authority shall
32 reapportion the subdistricts to be as nearly equal in
33 population as practicable. The subdistricts shall be
34 numbered from one upward consecutively, and as much as
35 practicable the numbers shall be retained upon
36 reapportionment. After the election authority divides the
37 school district or reapportions the subdistricts, the
38 election authority shall notify the residents of the school
39 district as provided by law.

40 (b) Any resident of the school district who believes
41 the election authority has divided the school district or
42 reapportioned the subdistricts in violation of paragraph (a)
43 of this subdivision may petition the circuit court of the
44 county in which the school district exists for an order
45 directing the election authority to divide the school
46 district or reapportion the subdistricts as provided in
47 paragraph (a) of this subdivision. The petition shall be
48 submitted to the circuit court within ten business days of
49 the election authority's notice provided under paragraph (a)
50 of this subdivision.

51 (3) On the first day available for candidate filing
52 for the first general municipal election day occurring after
53 the subdistricts are created under this subsection, any
54 qualified resident who has or will have resided in the
55 subdistrict for the year immediately preceding the general
56 municipal election day may file as a candidate for election
57 to a subdistrict of the school board. At the end of the

58 time available for candidate filing, if no qualified
59 resident of a subdistrict has filed as a candidate in that
60 subdistrict, the election authority shall extend the time
61 for candidate filing by seven additional days and any
62 qualified resident of the school district who has or will
63 have resided in the school district for the year immediately
64 preceding the general municipal election day may file as a
65 candidate for election to that subdistrict of the school
66 board. Candidates may be nominated as provided by section
67 162.491. The election authority shall determine the
68 validity of all declarations of candidacy.

69 (4) When the election is held on the general municipal
70 election day, the seven candidates, one from each of the
71 subdistricts, who receive a plurality of the votes cast by
72 the voters of that subdistrict shall be elected. Any
73 candidate who is not a subdistrict resident but qualifies as
74 a candidate as a school district resident under subdivision
75 (3) of this subsection shall be elected by the voters of the
76 school district. The three directors representing
77 subdistricts 2, 4, and 6 of the subdivided school district
78 shall be elected to an initial term of five years, and the
79 remaining four directors representing subdistricts 1, 3, 5,
80 and 7 of the subdivided school district shall be elected to
81 an initial term of six years. Each term thereafter shall be
82 a six-year term.

83 (5) Each director shall serve until a successor is
84 elected or the director vacates the office. Any vacancy
85 that occurs before the end of the director's term shall be
86 filled as provided in this section.

87 (6) Except for a director who is not a subdistrict
88 resident but is elected as a school district resident to
89 represent a subdistrict under subdivision (3) of this

90 subsection, each director shall reside in the subdistrict
91 the director represents during the director's term.

92 (7) All other provisions applicable to urban school
93 districts that are not in conflict with this subsection
94 shall apply to school districts divided into subdistricts
95 under this subsection.

162.481. 1. Except as otherwise provided in section
2 162.471, this section, and [in] section 162.492, all
3 elections of school directors in urban school districts
4 shall be held biennially at the same times and places as
5 municipal elections.

6 2. Except as otherwise provided in subsections 3, 4,
7 and 5 of this section, hereafter when a seven-director
8 district becomes an urban school district, the directors of
9 the prior seven-director district shall continue as
10 directors of the urban school district until the expiration
11 of the terms for which they were elected and until their
12 successors are elected as provided in this subsection. The
13 first biennial school election for directors shall be held
14 in the urban school district at the time provided in
15 subsection 1 which is on the date of or subsequent to the
16 expiration of the terms of the directors of the prior
17 district which are first to expire, and directors shall be
18 elected to succeed the directors of the prior district whose
19 terms have expired. If the terms of two directors only have
20 expired, the directors elected at the first biennial school
21 election in the urban school district shall be elected for
22 terms of six years. If the terms of four directors have
23 expired, two directors shall be elected for terms of six
24 years and two shall be elected for terms of four years. At
25 the next succeeding biennial election held in the urban
26 school district, successors for the remaining directors of

27 the prior seven-director district shall be elected. If only
28 two directors are to be elected they shall be elected for
29 terms of six years each. If four directors are to be
30 elected, two shall be elected for terms of six years and two
31 shall be elected for terms of two years. After seven
32 directors of the urban school district have been elected
33 under this subsection, their successors shall be elected for
34 terms of six years.

35 3. In any school district in which a majority of the
36 district is located in any home rule city with more than one
37 hundred fifty-five thousand but fewer than two hundred
38 thousand inhabitants, elections shall be held annually at
39 the same times and places as general municipal elections for
40 all years where one or more terms expire, and the terms
41 shall be for three years and until their successors are duly
42 elected and qualified for all directors elected on and after
43 August 28, 1998.

44 4. For any school district which becomes an urban
45 school district by reason of the 2000 federal decennial
46 census, elections shall be held annually at the same times
47 and places as general municipal elections for all years
48 where one or more terms expire, and the terms shall be for
49 three years and until their successors are duly elected and
50 qualified for all directors elected on and after August 28,
51 2001.

52 5. In any school district in any county with a charter
53 form of government and with more than three hundred thousand
54 but fewer than four hundred fifty thousand inhabitants which
55 becomes an urban school district by reason of the 2010
56 federal decennial census, elections shall be held annually
57 at the same times and places as general municipal elections
58 for all years where one or more terms expire, and the terms

59 shall be for three years and until their successors are duly
60 elected and qualified for all directors elected on and after
61 April 2, 2012.

62 6. In any urban school district in a county of the
63 first classification with more than eighty-three thousand
64 but fewer than ninety-two thousand inhabitants and with a
65 home rule city with more than seventy-six thousand but fewer
66 than ninety-one thousand inhabitants as the county seat,
67 elections shall be held annually at the same times and
68 places as general municipal elections for all years where
69 one or more terms expire, and upon expiration of any term
70 after August 28, 2015, the term of office shall be for three
71 years and until their successors are duly elected and
72 qualified.

162.491. 1. Directors for urban school districts,
2 other than those districts containing the greater part of a
3 city of over one hundred thirty thousand inhabitants, may be
4 nominated by petition to be filed with the secretary of the
5 board and signed by a number of voters in the district equal
6 to ten percent of the total number of votes cast for the
7 director receiving the highest number of votes cast at the
8 next preceding biennial election, except as provided in
9 subsection 4 of this section.

10 2. This section shall not be construed as providing
11 the sole method of nominating candidates for the office of
12 school director in urban **school** districts which do not
13 contain the greater part of a city of over three hundred
14 thousand inhabitants.

15 3. A director for any urban school district containing
16 a city of greater than one hundred thirty thousand
17 inhabitants and less than three hundred thousand inhabitants
18 may be nominated as an independent candidate by filing with

19 the secretary of the board a petition signed by five hundred
20 registered voters of such school district.

21 4. In any urban school district located in a county of
22 the first classification with more than eighty-three
23 thousand but fewer than ninety-two thousand inhabitants and
24 with a home rule city with more than seventy-six thousand
25 but fewer than ninety-one thousand inhabitants as the county
26 seat, a candidate for director shall file a declaration of
27 candidacy with the secretary of the board and shall not be
28 required to submit a petition.

29 **5. No candidate for election as a school board**
30 **director representing a subdistrict under subsection 3 of**
31 **section 162.471 shall be required to file a declaration of**
32 **candidacy under this section as the sole method of filing**
33 **for candidacy.**

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