

SECOND REGULAR SESSION

HOUSE BILL NO. 1350

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LIESE.

Pre-filed January 2, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3373L.011

AN ACT

To repeal section 67.1451, RSMo, and to enact in lieu thereof one new section relating to boards of directors in community improvement districts, with an emergency clause.

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

Section A. Section 67.1451, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1451, to read as follows:

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) A registered voter residing within the district; and

(3) Any other qualifications set forth in the petition establishing the district.

3. If the district is a political subdivision, the board shall be elected or appointed, as provided in the petition.

4. If the board is to be elected, the procedure for election shall be as follows:

(1) The municipal clerk shall specify a date on which the election shall occur which date

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

17 shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the
18 fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

19 (2) The election shall be conducted in the same manner as provided for in section
20 67.1551, provided that the published notice of the election shall contain the information required
21 by section 67.1551 for published notices, except that it shall state that the purpose of the election
22 is for the election of directors, in lieu of the information related to taxes;

23 (3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than
24 the second Tuesday after the effective date of the ordinance establishing the district with the
25 municipal clerk a statement under oath that he or she possesses all of the qualifications set out
26 in this section for a director. Thereafter, such candidate shall have his or her name placed on the
27 ballot as a candidate for director;

28 (4) The director or directors to be elected shall be elected at large. The person receiving
29 the most votes shall be elected to the position having the longest term; the person receiving the
30 second highest votes shall be elected to the position having the next longest term and so forth.
31 **For any district formed prior to the effective date of this section,** of the initial directors,
32 one-half shall serve for a two-year term, one-half shall serve for a four-year term and if an odd
33 number of directors are elected, the director receiving the least number of votes shall serve for
34 a two-year term, until such director's successor is elected. **For any district formed on or after**
35 **the effective date of this section, for the initial directors, one-half shall serve for a two-year**
36 **term, and one-half shall serve for the term specified by the district pursuant to subdivision**
37 **(5) of this subsection, and if an odd number of directors are elected, the director receiving**
38 **the least number of votes shall serve for a two-year term, until such director's successor is**
39 **elected;**

40 (5) Successor directors shall be elected in the same manner as the initial directors. The
41 date of the election of successor directors shall be specified by the municipal clerk which date
42 shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the
43 expiring director. Each successor director shall serve a [four-year] term **for the length specified**
44 **prior to the election by the district, which term shall be at least three years and not more**
45 **than four years, and shall continue** until such director's successor is elected. In the event of
46 a vacancy on the board of directors, the remaining directors shall elect an interim director to fill
47 the vacancy for the unexpired term.

48 5. If the petition provides that the board is to be appointed by the municipality, such
49 appointments shall be made by the chief elected officer of the municipality with the consent of
50 the governing body of the municipality. **For any district formed prior to the effective date**
51 **of this section,** of the initial appointed directors, one-half of the directors shall be appointed to
52 serve for a two-year term and the remaining one-half shall be appointed to serve for a four-year

53 term until such director's successor is appointed; provided that, if there is an odd number of
54 directors, the last person appointed shall serve a two-year term. **For any district formed on or**
55 **after the effective date of this section, of the initial appointed directors, one-half shall be**
56 **appointed to serve for a two-year term, and one-half shall be appointed to serve for the**
57 **term specified by the district for successor directors pursuant to this subsection, and if an**
58 **odd number of directors are appointed, the last person appointed shall serve for a two-year**
59 **term; provided that each director shall serve until such director's successor is appointed.**
60 Successor directors shall be appointed in the same manner as the initial directors and shall serve
61 for a term of [four] years **specified by the district prior to the appointment, which term shall**
62 **be at least three years and not more than four years.**

63 6. If the petition states the names of the initial directors, those directors shall serve for
64 the terms specified in the petition and successor directors shall be determined either by the
65 above-listed election process or appointment process as provided in the petition.

66 7. Any director may be removed for cause by a two-thirds affirmative vote of the
67 directors of the board. Written notice of the proposed removal shall be given to all directors
68 prior to action thereon.

69 8. The board is authorized to act on behalf of the district, subject to approval of qualified
70 voters as required in this section; except that, all official acts of the board shall be by written
71 resolution approved by the board.

Section B. Because immediate action is necessary to ensure adequate and responsive
2 representation to citizens residing in community improvement districts, section A of this act is
3 deemed necessary for the immediate preservation of the public health, welfare, peace, and safety,
4 and is hereby declared to be an emergency act within the meaning of the constitution, and section
5 A of this act shall be in full force and effect upon its passage and approval.