

FIRST REGULAR SESSION

# HOUSE BILL NO. 40

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE TILLEY.

Pre-filed December 1, 2004 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0210L.02I

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### AN ACT

To repeal section 349.045, RSMo, and to enact in lieu thereof one new section relating to industrial development corporations, with an emergency clause.

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

Section A. Section 349.045, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 349.045, to read as follows:

349.045. The corporation shall have a board of directors in which all the powers of the corporation shall be vested and which shall consist of any number of directors, not less than five, all of whom shall be duly qualified electors of and taxpayers in the county or municipality; except that, for any industrial development corporation formed by any municipality located wholly within any county of the **second**, third, or fourth classification, directors may be qualified taxpayers in and registered voters of such county. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in and about the performance of their duties hereunder. The directors shall be resident taxpayers for at least one year immediately prior to their appointment. No director shall be an officer or employee of the county or municipality. All directors shall be appointed by the chief executive officer of the county or municipality with the advice and consent of a majority of the governing body of the county or municipality, and in all counties, other than a city not within a county and counties with a charter form of government, the appointments shall be made by the county commission and they shall be so appointed that they shall hold office for staggered terms. At the time of the appointment of the first board of directors the governing body of the municipality or county shall divide the directors into three groups containing as nearly equal whole numbers as may be

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 possible. The first term of the directors included in the first group shall be two years, the first  
18 term of the directors included in the second group shall be four years, the first term of the  
19 directors in the third group shall be six years; provided, that if at the expiration of any term of  
20 office of any director a successor thereto shall not have been appointed, then the director whose  
21 term of office shall have expired shall continue to hold office until a successor shall be appointed  
22 by the chief executive officer of the county or municipality with the advice and consent of a  
23 majority of the governing body of the county or municipality. The successors shall be resident  
24 taxpayers for at least one year immediately prior to their appointment.

Section B. Because immediate action is necessary to allow counties of the second  
2 classification to admit industrial development corporation board members from anywhere in the  
3 county, section A of this act is deemed necessary for the immediate preservation of the public  
4 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the  
5 meaning of the constitution, and section A of this act shall be in full force and effect upon its  
6 passage and approval.