

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 47
93RD GENERAL ASSEMBLY

Reported from the Committee on Local Government February 24, 2005, with recommendation that the House Committee Substitute for House Bill No. 47 Do Pass.

STEPHEN S. DAVIS, Chief Clerk

0241L.02C

AN ACT

To repeal section 182.640, RSMo, and to enact in lieu thereof one new section relating to consolidated public library districts, with an emergency clause.

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

Section A. Section 182.640, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 182.640, to read as follows:

182.640. 1. A consolidated public library district created under the provisions of sections 182.610 to 182.670 shall be governed by a board of trustees which shall consist of not less than eight trustees to be appointed by the county commission or county executive officers of the counties participating in the consolidated public library district. The county commission or county executive officers of each participating county shall appoint four trustees who are residents of that county **and who reside in the district**, as representatives of its county. **Trustees in office as of August 28, 2005, shall serve the remainder of their respective terms even if they reside outside the district.** No appointed trustee shall be an elective official.

2. The trustees of the existing boards of a county public district shall remain as the representatives of their respective county and shall serve the remainder of their respective term as the governing board of a consolidated public library district. Upon expiration of their term the county commission or county executive officer shall appoint a resident of the respective county **and district** for a four-year term beginning the first day of July or until a successor shall be appointed.

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.

15 3. Whenever any member of the board of trustees shall, without good cause, fail to attend
16 six consecutive board meetings of the consolidated public library district or whenever any
17 member of the board of trustees is deemed by the majority of the board of trustees to be guilty
18 of conduct prejudicial to the good order and effective operation of the consolidated public library
19 district, or whenever any member is deemed to be guilty of neglect of duty, then such member
20 may be removed by resolution of the board of trustees duly acted upon, after specification of
21 charge and hearing.

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

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

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

32 7. The board of trustees shall have a president, secretary and a treasurer and such other
33 officers as the board may select. All officers of the board shall be selected by the board. All
34 officers of the board of trustees shall serve at the pleasure of the board, and shall not receive any
35 salary, gratuity or other compensation or reimbursement for acting as such, except the treasurer,
36 who may also serve as secretary.

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

42 9. A majority of the full board of trustees shall constitute a quorum for the transaction
43 of business. The act of the majority of the trustees present at a meeting at which a quorum is
44 present shall be the act of the board of trustees, except as hereinafter provided. The affirmative
45 vote of a majority of the full board of trustees shall be required to enter into any contract, employ
46 or dismiss the chief administrative officer of the district, effect a merger or consolidation or
47 approve a budget.

48 10. The board of trustees of a consolidated public library district shall adopt policies for
49 the government of the consolidated public library district that will carry out the spirit and intent
50 of sections 182.610 to 182.670, and the board shall employ a duly qualified graduate librarian

51 as the chief executive and administrative officer of the consolidated public library district
52 charged with the duty of carrying out the policies adopted by the board. The librarian shall serve
53 at the pleasure of the board. The librarian shall have the authority to employ professional library
54 assistants and other employees to fill the positions that are created by the board. The assistants
55 and employees may be dismissed by the librarian.

Section B. Because immediate action is necessary to add a district residence requirement
2 to consolidated public library districts' board member qualifications before the current terms
3 expire and reappointments are made, section A of this act is deemed necessary for the immediate
4 preservation of the public health, welfare, peace, and safety, and is hereby declared to be an
5 emergency act within the meaning of the constitution, and section A of this act shall be in full
6 force and effect upon its passage and approval.