

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

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Reported from the Committee on Economic Development, Tourism and Local Government, April 11, 2005, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0241S.03C

TERRY L. SPIELER, Secretary.

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**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.

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*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Section A. Section 182.640, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 182.640, to read as follows: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. 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. **Trustees in office as of August 28, 2005, who reside outside the district shall be deemed to have vacated their trusteeships and successors shall be appointed under subsection 4 of this section.**

3. Whenever any member of the board of trustees shall, without good cause, fail to attend six consecutive board meetings of the consolidated public library district or

20 whenever any member of the board of trustees is deemed by the majority of the board  
21 of trustees to be guilty of conduct prejudicial to the good order and effective operation  
22 of the consolidated public library district, or whenever any member is deemed to be  
23 guilty of neglect of duty, then such member may be removed by resolution of the board  
24 of trustees duly acted upon, after specification of charge and hearing.

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

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

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

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

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

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

54           10. The board of trustees of a consolidated public library district shall adopt  
55 policies for the government of the consolidated public library district that will carry out

56 the spirit and intent of sections 182.610 to 182.670, and the board shall employ a duly  
57 qualified graduate librarian as the chief executive and administrative officer of the  
58 consolidated public library district charged with the duty of carrying out the policies  
59 adopted by the board. The librarian shall serve at the pleasure of the board. The  
60 librarian shall have the authority to employ professional library assistants and other  
61 employees to fill the positions that are created by the board. The assistants and  
62 employees may be dismissed by the librarian.

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

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