

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

HOUSE BILL NO. 1651

97TH GENERAL ASSEMBLY

5647H.01T

2014

AN ACT

To repeal section 394.120, RSMo, and to enact in lieu thereof one new section relating to electric cooperatives.

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

Section A. Section 394.120, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 394.120, to read as follows:

394.120. 1. No person shall become a member of a cooperative unless such person shall agree to use electric energy furnished by the cooperative when such electric energy shall be available through its facilities. The bylaws of a cooperative may provide that any person, including an incorporator, shall cease to be a member thereof if he or she shall fail or refuse to use electric energy made available by the cooperative or if electric energy shall not be made available to such person by the cooperative within a specified time after such person shall have become a member thereof. Membership in the cooperative shall not be transferable, except as provided in the bylaws. The bylaws may prescribe additional qualifications and limitations in respect of membership.

2. An annual meeting of the members shall be held at such time as shall be provided in the bylaws.

3. Special meetings of the members may be called by the board of directors, by any three directors, by not less than ten percent of the members, or by the president.

4. Meetings of members shall be held at such place as may be provided in the bylaws. In the absence of any such provisions, all meetings shall be held in the city or town in which the principal office of the cooperative is located.

5. Except as herein otherwise provided, written or printed notice stating the time and place of each meeting of members and, in the case of a special meeting, the purpose or purposes

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.

19 for which the meeting is called, shall be given to each member, either personally or by mail, not
20 less than ten nor more than twenty-five days before the date of the meeting.

21 6. Two percent of the first two thousand members and one percent of the remaining
22 members, present in person **or if the bylaws so provide, participating electronically or by**
23 **mail** shall constitute a quorum for the transaction of business at all meetings of the members,
24 unless the bylaws prescribe the presence of a greater percentage of the members for a quorum.
25 If less than a quorum is present at any meeting, a majority of those present in person may adjourn
26 the meeting from time to time without further notice.

27 7. Each member shall be entitled to one vote on each matter submitted to a vote at a
28 meeting. Voting shall be in person, but, if the bylaws so provide, may also be by proxy, **by**
29 **electronic means**, [or] by mail, or [both] **any combination thereof**. If the bylaws provide for
30 voting by proxy, **by electronic means**, or by mail, they shall also prescribe the conditions under
31 which proxy, **electronic**, or mail voting shall be exercised. In any event, no person shall vote
32 as proxy for more than two members at any meeting of the members.

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