

FIRST REGULAR SESSION

HOUSE BILL NO. 568

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TATE.

1283H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 182.640 and 182.660, RSMo, and to enact in lieu thereof two new sections relating to public library districts.

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

Section A. Section 182.640 and 182.660, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 182.640 and 182.660, to read as follows: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. **Upon the creation of a consolidated district pursuant to section 182.620**, 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. **If an existing consolidated public library district is enlarged by incorporating into it any county public library district pursuant to section 182.660**, then the county commission or county executive of the petitioning county district shall appoint four trustees who are residents of that county as representatives of the county. **If an existing consolidated public library district is enlarged by incorporating into it any city, municipal, school, or other public library district which does not include an entire county, which includes territory outside of the consolidated district's existing boundaries and which petitions to join the consolidated district pursuant to section 182.660**, then the county commission or county executive of each county within the petitioning district that is outside of the consolidated district's existing boundaries shall appoint one trustee who resides in their county and also within the petitioning district as

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.

18 **a representative of the consolidated district.** No appointed trustee shall be an [~~elective~~]
19 **electd** official.

20 2. The trustees of the existing boards of a county public district shall remain as the
21 representatives of their respective county and shall serve the remainder of their respective term
22 as the governing board of a consolidated public library district. Upon expiration of their term
23 the county commission or county executive officer shall appoint a resident of the respective
24 county and district for a four-year term beginning the first day of July or until a successor shall
25 be appointed. Trustees in office as of August 28, 2005, who reside outside the district shall be
26 deemed to have vacated their trusteeships and successors shall be appointed under subsection
27 4 of this section.

28 3. Whenever any member of the board of trustees shall, without good cause, fail to attend
29 six consecutive board meetings of the consolidated public library district or whenever any
30 member of the board of trustees is deemed by the majority of the board of trustees to be guilty
31 of conduct prejudicial to the good order and effective operation of the consolidated public library
32 district, or whenever any member is deemed to be guilty of neglect of duty, then such member
33 may be removed by resolution of the board of trustees duly acted upon, after specification of
34 charge and hearing.

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

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

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

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

50 8. The board shall provide for regularly scheduled meetings of the board to be held
51 monthly; except that, the board shall not be required to meet more than ten times in any calendar
52 year. The board shall make and adopt bylaws, rules and regulations governing the proceedings

53 of the board, including bylaws prescribing the duties of each officer of the board of trustees. No
54 bylaws, rules or regulations shall be contrary to, or inconsistent with, any provision of law.

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

61 10. The board of trustees of a consolidated public library district shall adopt policies for
62 the government of the consolidated public library district that will carry out the spirit and intent
63 of sections 182.610 to 182.670, and the board shall employ a duly qualified graduate librarian
64 as the chief executive and administrative officer of the consolidated public library district
65 charged with the duty of carrying out the policies adopted by the board. The librarian shall serve
66 at the pleasure of the board. The librarian shall have the authority to employ professional library
67 assistants and other employees to fill the positions that are created by the board. The assistants
68 and employees may be dismissed by the librarian.

182.660. 1. Any consolidated public library district created under sections 182.610 to
2 182.670 may enlarge the area it serves by incorporating into it any county, city, municipal, school
3 or public library district.

4 2. The board of trustees of a county, city, municipal, school or public library district may,
5 by resolution duly acted upon, petition the board of trustees of a consolidated public library
6 district to become a part of and be included in such consolidated public library district. The
7 petitioning district may be admitted into the consolidated public library district upon majority
8 vote of the board of trustees of the consolidated public library district at the prevailing tax rate
9 of the consolidated district. Notice of inclusion of the petitioning district into the consolidated
10 public library district shall be given to the governing authority of the district so included in
11 accordance with the notice provisions set out in section 182.620.

12 3. Whenever five percent of the voters of a county, city, municipal, school or public
13 library district shall petition in writing the governing authority of the district to be included in
14 the consolidated public library district and upon written approval by majority vote of the board
15 of trustees of the consolidated public library district, it shall be the duty of the governing
16 authority to submit the question to the voters of the petitioning district at an election.

17 4. Upon admission of any petitioning district by majority vote of the board of trustees
18 of the consolidated public library district or upon majority approval of the voters of any such
19 district for inclusion in the consolidated public library district, the taxing authority and governing
20 authority of the district shall take appropriate action to transfer, within sixty days following the

21 approval or election, all title and interest in all property both real and personal in the name of the
22 district, to the board of trustees of the consolidated public library district. Upon the transfer of
23 the title and interest in the property, it shall become a part of the consolidated public library
24 district **and the petitioning district and its board of trustees shall cease to exist.**
25 **Notwithstanding section 182.640 to the contrary, if the petitioning district is a city or**
26 **municipal library district located in part in any county that is not a county participating**
27 **in the consolidated public library district, the board of trustees of the consolidated public**
28 **library district shall expand to include one additional trustee appointed by the county**
29 **commissioners or county executive officers of the county not currently included in the**
30 **consolidated public library district. Upon the admission of the petitioning district for**
31 **inclusion in the consolidated public library district, the transfer of the title and interest in**
32 **property of such petitioning district, and the appointment of the additional trustee, the**
33 **petitioning district and its board of trustees shall cease to exist.**

34 5. If the tax levy for the district admitted is not at the same rate as that of the
35 consolidated public library district or if there is no tax levied in the district for the support of
36 public libraries, then at the beginning of the next taxing period a tax or taxes shall be levied in
37 the district admitted to conform to and be the same as that levied in the consolidated public
38 library district.

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