

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 568
99TH GENERAL ASSEMBLY

Reported from the Committee on Local Government and Elections, April 27, 2017, with recommendation that the Senate Committee Substitute do pass.

1283S.02C

ADRIANE D. CROUSE, Secretary.

AN ACT

To repeal sections 34.165, 182.640, 182.660, and 214.160, RSMo, and to enact in lieu thereof four new sections relating to actions by county commissions.

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

Section A. Sections 34.165, 182.640, 182.660, and 214.160, RSMo, are
2 repealed and four new sections enacted in lieu thereof, to be known as sections
3 34.165, 182.640, 182.660, and 214.160, to read as follows:

34.165. 1. In making purchases for this state, its governmental agencies
2 or political subdivisions, the commissioner of administration shall give a bidding
3 preference **on any request for proposal** consisting of a [ten-point] **fifteen-**
4 **point** bonus on bids for products and services manufactured, produced or
5 assembled in qualified nonprofit organizations for the blind established pursuant
6 to the provisions of 41 U.S.C. Sections 46 to 48c, as amended and in sheltered
7 workshops holding a certificate of approval from the department of elementary
8 and secondary education pursuant to section 178.920 if the participating
9 nonprofit organization provides the greater of two percent or five thousand dollars
10 of the total contract value of bids for purchase not exceeding ten million dollars.

11 2. An affidavit signed by the director or manager and the board president
12 of a participating nonprofit organization shall be provided to the purchasing
13 agency by the contractor at the completion of the contract or within thirty days
14 of the first anniversary of the contract, whichever first occurs, verifying
15 compliance.

16 3. The commissioner of administration shall make such rules and
17 regulations regarding specifications, quality standards, time of delivery,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 performance and other relevant matters as shall be necessary to carry out the
19 purpose of this section **provided that such rules and regulations do not**
20 **prohibit any qualified nonprofit organization for the blind or sheltered**
21 **workshop from bidding on state contracts for products or services.** No
22 rule or portion of a rule promulgated pursuant to the authority of this section
23 shall become effective unless it has been promulgated pursuant to the provisions
24 of section 536.024.

25 4. At the request of the commissioner of administration, the state auditor
26 may examine all records, books and data of any qualified nonprofit organization
27 for the blind to determine the costs of manufacturing products or rendering
28 services and the manner and efficiency of production and administration of such
29 nonprofit organization with relation to any product or services purchased by this
30 state, its governmental agencies or political subdivisions and to furnish the
31 results of such examination to the commissioner for appropriate action.

182.640. 1. A consolidated public library district created under the
2 provisions of sections 182.610 to 182.670 shall be governed by a board of trustees
3 which shall consist of not less than eight trustees to be appointed by the county
4 commission or county executive officers of the counties participating in the
5 consolidated public library district. **Upon the creation of a consolidated**
6 **district pursuant to section 182.620,** the county commission or county
7 executive officers of each participating county shall appoint four trustees who are
8 residents of that county and who reside in the district, as representatives of its
9 county. **If an existing consolidated public library district is enlarged by**
10 **incorporating into it any county public library district pursuant to**
11 **section 182.660, then the county commission or county executive of the**
12 **petitioning county district shall appoint four trustees who are residents**
13 **of that county as representatives of the county. If an existing**
14 **consolidated public library district is enlarged by incorporating into**
15 **it any city, municipal, school, or other public library district which**
16 **does not include an entire county, which includes territory outside of**
17 **the consolidated district's existing boundaries and which petitions to**
18 **join the consolidated district pursuant to section 182.660, then the**
19 **county commission or county executive of each county within the**
20 **petitioning district that is outside of the consolidated district's existing**
21 **boundaries shall appoint one trustee who resides in their county and**
22 **also within the petitioning district as a representative of the**

23 **consolidated district.** No appointed trustee shall be an [elective] **elected**
24 official.

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

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

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

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

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

55 7. The board of trustees shall have a president, secretary and a treasurer
56 and such other officers as the board may select. All officers of the board shall be
57 selected by the board. All officers of the board of trustees shall serve at the
58 pleasure of the board, and shall not receive any salary, gratuity or other

59 compensation or reimbursement for acting as such, except the treasurer, who may
60 also serve as secretary.

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

67 9. A majority of the full board of trustees shall constitute a quorum for
68 the transaction of business. The act of the majority of the trustees present at a
69 meeting at which a quorum is present shall be the act of the board of trustees,
70 except as hereinafter provided. The affirmative vote of a majority of the full
71 board of trustees shall be required to enter into any contract, employ or dismiss
72 the chief administrative officer of the district, effect a merger or consolidation or
73 approve a budget.

74 10. The board of trustees of a consolidated public library district shall
75 adopt policies for the government of the consolidated public library district that
76 will carry out the spirit and intent of sections 182.610 to 182.670, and the board
77 shall employ a duly qualified graduate librarian as the chief executive and
78 administrative officer of the consolidated public library district charged with the
79 duty of carrying out the policies adopted by the board. The librarian shall serve
80 at the pleasure of the board. The librarian shall have the authority to employ
81 professional library assistants and other employees to fill the positions that are
82 created by the board. The assistants and employees may be dismissed by the
83 librarian.

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

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

12 district so included in accordance with the notice provisions set out in section
13 182.620.

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

20 4. Upon admission of any petitioning district by majority vote of the board
21 of trustees of the consolidated public library district or upon majority approval
22 of the voters of any such district for inclusion in the consolidated public library
23 district, the taxing authority and governing authority of the district shall take
24 appropriate action to transfer, within sixty days following the approval or
25 election, all title and interest in all property both real and personal in the name
26 of the district, to the board of trustees of the consolidated public library
27 district. Upon the transfer of the title and interest in the property, it shall
28 become a part of the consolidated public library district **and the petitioning**
29 **district and its board of trustees shall cease to exist. Notwithstanding**
30 **section 182.640 to the contrary, if the petitioning district is a city or**
31 **municipal library district located in part in any county that is not a**
32 **county participating in the consolidated public library district, the**
33 **board of trustees of the consolidated public library district shall**
34 **expand to include one additional trustee appointed by the county**
35 **commissioners or county executive officers of the county not currently**
36 **included in the consolidated public library district. Upon the**
37 **admission of the petitioning district for inclusion in the consolidated**
38 **public library district, the transfer of the title and interest in property**
39 **of such petitioning district, and the appointment of the additional**
40 **trustee, the petitioning district and its board of trustees shall cease to**
41 **exist.**

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

214.160. 1. Under sections 214.140 to 214.180, and as otherwise

2 **not prohibited under Article VI, Section 23 of the Constitution of**
3 **Missouri**, the county commission [shall] **may** invest or loan said trust fund or
4 funds [only] in United States government, state, county or municipal bonds,
5 certificates of deposit, first real estate mortgages, or deeds of trust **and may**
6 **utilize investment managers to invest, reinvest, and manage assets,**
7 **subject to the terms, conditions, and limitations provided in this**
8 **section and Article IV, Section 15 of the Constitution of Missouri.** They
9 shall use the net income from said trust fund or funds or **such investments or**
10 so much thereof as is necessary to support and maintain and beautify any public
11 or private cemetery or any particular part thereof which may be designated by
12 the person, persons or firm or association making said gift or bequest. In
13 maintaining or supporting the cemetery or any particular part or portion thereof
14 the commission shall as nearly as possible follow the expressed wishes of the
15 creator of said trust fund.

16 **2. An investment manager shall discharge his or her duties in the**
17 **interest of the public or private cemetery and the interest of the**
18 **person, persons, or firm making the gift or bequest and shall:**

19 **(1) Act with the same care, skill, prudence, and diligence under**
20 **the circumstances then prevailing that a prudent person acting in a**
21 **similar capacity and familiar with those matters would use in the**
22 **conduct of a similar enterprise with similar aims;**

23 **(2) Act with due regard for the management, reputation, and**
24 **stability of the issuer and the character of the particular investments**
25 **being considered;**

26 **(3) Make investments for the purpose of supporting, maintaining,**
27 **and beautifying any public or private cemetery or any particular part**
28 **thereof, which may be designated by the person, persons, or firm or**
29 **association making said gift or bequest, and of defraying reasonable**
30 **expenses of investing the assets;**

31 **(4) Give appropriate consideration to those facts and**
32 **circumstances that the investment fiduciary knows or should know are**
33 **relevant to the particular investment or investment course of action**
34 **involved, including the role the investment or investment course of**
35 **action plays in that portion of the investments for which the**
36 **investment fiduciary has responsibility. For purposes of this**
37 **subdivision, "appropriate consideration" shall include, but is not limited**
38 **to, a determination by the investment fiduciary that a particular**

39 investment or investment course of action is reasonably designed to
40 further the purposes of supporting, maintaining, and beautifying any
41 public or private cemetery or any particular part thereof, which may
42 be designated by the person, persons, or firm or association making
43 said gift or bequest, while considering the risk of loss and the
44 opportunity for gain or other return associated with the investment or
45 investment course of action and considering the following factors as
46 they relate to the investment or investment course of action:

47 (a) The diversification of the investments;

48 (b) The liquidity and current return of the investments relative
49 to the anticipated cash flow requirements; and

50 (c) The projected return of the investments relative to the
51 funding objectives; and

52 (5) Give appropriate consideration to investments that would
53 enhance the general welfare of this state and its citizens if those
54 investments offer the safety and rate of return comparable to other
55 investments available to the investment fiduciary at the time the
56 investment decision is made.

57 3. As used in this section, "invest" or "investment" means
58 utilization of moneys in the expectation of future returns in the form
59 of income or capital gain.

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