

SECOND REGULAR SESSION

HOUSE BILL NO. 783

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALTON.

Pre-filed December 1, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2811L.011

AN ACT

To amend chapter 162, RSMo, by adding thereto one new section relating to school districts.

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

Section A. Chapter 162, RSMo, is amended by adding thereto one new section, to be
2 known as section 162.386, to read as follows:

**162.386. 1. Notwithstanding any other provision of the law to the contrary, in any
2 school district which is located within or which adjoins a school district in which is located
3 within, in whole or in part, a street light maintenance district with a population of less than
4 six thousand inhabitants, and that is located in any county with a charter form of
5 government and with more than one million inhabitants, the board of election
6 commissioners of such county shall establish wards, equivalent to the number of directors,
7 for the purpose of electing directors of such district. The ward boundaries shall be drawn,
8 after notice and hearing, by the commissioners within sixty days after August 28, 2004, or
9 after the establishment of any such school district, or after the merger of any such school
10 district with any other school district and within six months after each decennial census
11 is reported to the President of the United States. In the event the board of election
12 commissioners is unable to agree on the ward boundaries by the deadlines established in
13 this section, the governing body of the county shall, sitting as an apportionment
14 commission, draw the boundaries within sixty days of the failure of the board of election
15 commissioners to do so. Ward boundaries drawn by the governing body of the county
16 shall not be subject to veto by the chief executive of the county. The commissioners shall
17 apportion the wards by dividing the population, determined by the preceding decennial
18 census, of the district by the number of directors and shall establish each ward so that the**

19 population of that ward shall, as nearly as possible, equal that figure or be within two
20 percent thereof. Each ward shall be composed of contiguous territory as compact as may
21 be.

22 2. All board members shall be elected by the voters of the ward from which the
23 member is elected to represent. All board members elected or appointed in such district
24 shall be elected or appointed to represent one of the wards, beginning with the first general
25 municipal election or vacancy occurring after such wards are established. Each member
26 shall reside for one year prior to the date of his or her election in the ward from which he
27 or she is elected, or in the case of a vacancy, the ward from which he or she is appointed;
28 and shall forfeit his or her office if a member removes his or her residence from the ward.
29 Such vacancy may be declared and the office filled by the remaining members of the board
30 as provided by law.

31 3. Elected members of the board in office after such wards are established shall
32 hold office for the length of the term for which they were elected and until their successors
33 are elected and qualified, and any members appointed to fill vacancies in office occurring
34 after such wards are established shall serve until the next general municipal election, at
35 which time a successor shall be elected to serve for the remainder of the term to which the
36 replaced member was elected.

37 4. If a vacancy occurs subsequent to the eleventh Tuesday but before the sixth
38 Tuesday prior to the general municipal election, notice of election to fill such a vacancy
39 shall be given within two business days after such vacancy arises but not later than the
40 sixth Tuesday prior to the general municipal election; and declarations of candidacy to fill
41 such a vacancy shall be received for a period of five business days between 8:00 a.m. and
42 5:00 p.m. after such notice is given but not later than the fifth Tuesday prior to the general
43 municipal election, and the names of the candidates shall be certified to the election
44 authority not later than two business days following the closing date for filing but not later
45 than the fourth Tuesday prior to the general municipal election. Notice of election,
46 declaration of candidacy, and certification to the election authority of any vacancies
47 occurring at any other times shall be filed as otherwise provided by law.

48 5. At the first general municipal election to occur after such wards are established,
49 the elections for the seats of any expiring terms or appointed terms, as provided herein, of
50 at-large board members shall be filled by persons elected from the lowest numbered wards,
51 as those wards are created and numbered by the board of election commissioners. The
52 second such general municipal election shall be for the lowest numbered wards not filled
53 at the prior election, and the third such election shall be for the remaining wards not filled
54 at the prior two elections.

55 **6. The law governing school districts shall continue to apply to any district**
56 **described in this section, except as expressly provided in this section.**