

FIRST REGULAR SESSION

HOUSE BILL NO. 502

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES DEEKEN (Sponsor), SATER,
MOORE AND WALLACE (Co-sponsors).

Read 1st time January 22, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0992L.01I

AN ACT

To repeal sections 178.800, 178.820, and 178.830, RSMo, and to enact in lieu thereof three new sections relating to establishing junior college districts.

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

Section A. Sections 178.800, 178.820, and 178.830, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 178.800, 178.820, and 178.830, to read
3 as follows:

178.800. 1. Whenever a petition, signed by voters in each component school district
2 within a proposed junior college district area, equal in number to five percent of the number of
3 votes cast for the director receiving the greatest number of votes within each component school
4 district at the last preceding school election in each school district at which a director was
5 elected, is presented to the [state] **coordinating** board [of] **for higher** education, praying that a
6 junior college district be organized for the purpose of offering junior college (13th and 14th year)
7 courses, if the [state] **coordinating** board [of] **for higher** education determines that the area
8 proposed to be included within the district meets the standards established by it under the
9 provisions of sections 178.770 to 178.890, it shall **request that the secretary of state** order the
10 submission of the question within the proposed district to vote on the question and to elect
11 trustees, at the next following annual municipal election.

12 2. The question shall be submitted in substantially the following form:

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.

13 Shall there be organized within the area comprising the school districts of, state
14 of Missouri, a junior college district for the offering of 13th and 14th year courses, to be known
15 as the "Junior College District of, Missouri", having the power to impose a property tax
16 not to exceed the annual rate of cents on the one hundred dollars assessed valuation of
17 taxable property without voter approval and such additional taxes as may be approved by vote
18 thereon, as prayed in petition filed with the [state] **coordinating** board [of] **for higher** education
19 at Jefferson City, Missouri, on the day of, 20.....?

20 3. Within fifteen days after the submission, the results shall be transmitted by those
21 receiving them under law in each component district to the [state board of education] **secretary**
22 **of state**, by certificates attesting to the total number of votes cast within each district on the
23 question, the votes cast for and against the question, and the votes cast for each candidate for
24 trustee. The proposal to organize the junior college district, to carry, [must] **shall** receive a
25 majority of the total number of votes cast thereon, and the secretary of [the] state [board of
26 education], from the results so certified and attested, shall determine whether the proposal has
27 received the majority of the votes cast thereon and shall certify the results to the [state]
28 **coordinating** board [of] **for higher** education. If the certificate of the secretary of [the] state
29 [board of education] shows that the question to organize the junior college district has received
30 a majority of the votes cast thereon, the [state] **coordinating** board [of] **for higher** education
31 shall make an order declaring the junior college district organized and cause a copy thereof to
32 be recorded in the office of recorder of deeds in each county in which a portion of the new
33 district lies. If the question carries, the [board] **secretary of state** shall also determine which
34 candidates have been elected trustees under section 178.820. If the question to organize the
35 district fails to receive a majority of the votes cast thereon, no tabulation shall be made to
36 determine the candidates elected trustees.

178.820. 1. In the organization election, six trustees shall be elected at large throughout
2 the entire proposed district. The two candidates receiving the greatest number of votes shall be
3 elected for terms of six years each, the two receiving the next greatest number of votes for terms
4 of four years each, the two receiving the next greatest number of votes for terms of two years
5 each, and such terms shall be effective until the first Tuesday in April coinciding with or next
6 following such period of years, or until the successors to such trustees have been duly elected and
7 qualified. Thereafter, the trustees shall be elected for terms of six years each.

8 2. Following the initial election, the board of trustees may, at any duly called meeting,
9 adopt a resolution calling for the formation of a redistricting committee to consider the formation
10 of subdistricts within the junior college district from which trustees are thereafter to be elected.
11 Upon adoption of any such resolution, the secretary of the board of trustees shall forward a
12 certified copy thereof to the coordinating board for higher education with the request that a

13 redistricting committee be appointed in order to divide the junior college districts into at least
14 two and not more than six subdistricts for the purpose of electing trustees. The redistricting
15 committee shall consist of three residents within the affected district, appointed by the board of
16 trustees of the affected district, plus three additional persons residents within the affected district,
17 appointed by the coordinating board for higher education. Thereafter, the redistricting committee
18 shall meet, organize itself with a chairman and secretary, and proceed with the adoption of a
19 redistricting plan specifying at least two but not more than six subdistricts which are to the extent
20 possible so apportioned on the basis of population that the population of any such subdistrict
21 divided by the number of trustees to be selected therefrom substantially equals the population
22 of any other subdistrict divided by the number of trustees to be selected therefrom. The
23 redistricting plan referred to herein, in lieu of requiring all trustees to be elected from
24 subdistricts, may provide for the election of one or more trustees at large and the remainder from
25 subdistricts, or for the election of all the trustees at large with the requirement that each must
26 reside in a certain subdistrict, so long as in any plan adopted, subdistricts are apportioned as
27 provided above. Notwithstanding the above, the board of trustees of any junior college district
28 which contains more than four hundred fifty thousand residents shall, at the first duly called
29 meeting following August 13, 1972, and thereafter within ninety days following the publication
30 of the decennial census figures, adopt a resolution calling for the formation of a redistricting
31 committee; and the redistricting committee shall adopt a redistricting plan specifying the
32 establishment of not less than four nor more than six subdistricts compact and contiguous in
33 territory and apportioned as provided above.

34 3. In any district which shall contain a city not within a county, if four subdistricts are
35 established, then at least one subdistrict shall be within said city, and if five or six subdistricts
36 are established, then at least two subdistricts shall be within said city.

37 4. Any person running for election as a trustee of a subdistrict shall be domiciled and a
38 resident therein. Any plan proposed to be adopted must receive approval of a majority of the
39 whole redistricting committee. Upon adoption the redistricting committee shall forward a copy
40 of the plan certified by the secretary to the coordinating board for higher education for its
41 approval or disapproval. The coordinating board for higher education shall approve any
42 redistricting plan in which the population of any subdistrict divided by the number of trustees
43 to be selected therefrom substantially equals the population of any other subdistrict divided by
44 the number of trustees to be elected therefrom. Upon approval, the redistricting plan shall
45 become effective and all trustees elected thereafter shall be required to be elected from
46 subdistricts in which they are resident. If the plan is not approved, then it shall be returned to
47 the redistricting committee for revision and resubmission. Until approval of a plan by the
48 coordinating board for higher education, trustees of a district shall continue to run at large. Upon

49 approval of any plan, the board of trustees shall determine by resolution the assignment of
50 trustees to subdistricts. Any such assignment shall not affect the term of office of any such
51 trustee. Once a district has been divided into subdistricts in accordance with the provisions
52 hereof, it shall remain so divided until one year following the publication of the decennial census
53 figures, by which date a new plan shall have been adopted or the trustees shall again be required
54 to run in the district at large; provided, however, that if during the period between publications
55 of decennial census figures the area of a district is increased or decreased, a new plan shall be
56 adopted within one year thereafter or the trustees shall be required to run in the district at large.
57 No member of the redistricting committee shall serve on the board of trustees for a period of six
58 years following his service on the redistricting committee.

59 5. Candidates for the office of trustee shall be citizens of the United States, at least
60 twenty-one years of age, who have been voters of the district for at least one whole year
61 preceding the election, and if trustees are elected other than at large they shall be voters of the
62 subdistricts for at least one whole year next preceding the election. All candidates for the first
63 board of a district shall file their declaration of candidacy with the [coordinating board for higher
64 education] **secretary of state**.

178.830. Newly elected members of the board of trustees shall qualify by taking the oath
2 of office prescribed by article VII, section [2] **11**, of the Constitution of Missouri. The board
3 shall organize by the election of a president and vice president, a secretary and a treasurer. The
4 secretary and treasurer need not be members of the board. A majority of the board constitutes
5 a quorum for the transaction of business, but no contract shall be let, teacher employed or
6 dismissed, or bill approved unless a majority of the whole board votes therefor. Any vacancy
7 occurring in the board shall be filled by appointment by the remaining members of the board, and
8 the person appointed shall hold office until the next election held by the junior college district
9 when a trustee shall be elected for the unexpired term. The board shall keep a common seal with
10 which to attest its official acts.

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