

FIRST REGULAR SESSION

HOUSE BILL NO. 1178

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor) AND HUBBARD (Co-sponsor).

Read 1st time March 27, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1717L.01I

AN ACT

To repeal section 67.1451, RSMo, and to enact in lieu thereof one new section relating to community improvement districts.

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

Section A. Section 67.1451, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 67.1451, to read as follows:

67.1451. 1. If a district is a political subdivision, the election and qualifications of members to the district's board of directors shall be in accordance with this section. If a district is a not-for-profit corporation, the election and qualification of members to its board of directors shall be in accordance with chapter 355, RSMo.

2. The district shall be governed by a board consisting of at least five but not more than thirty directors. Each director shall, during his or her entire term, be:

(1) At least eighteen years of age; and

(2) Be either:

(a) An owner, as defined in section 67.1401, of real property or of a business operating within the district; or

(b) [If in a home rule city with more than one hundred fifty-one thousand five hundred but fewer than one hundred fifty-one thousand six hundred inhabitants, a legally authorized representative of an owner of real property located within the district.] If there are less than five owners of real property located within a district, the board may be comprised of up to five legally authorized representatives of any of the owners of real property located within the district; or

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.

16 (c) A registered voter residing within the district; and

17 (3) Any other qualifications set forth in the petition establishing the district.

18 3. If the district is a political subdivision, the board shall be elected or appointed, as
19 provided in the petition.

20 4. If the board is to be elected, the procedure for election shall be as follows:

21 (1) The municipal clerk shall specify a date on which the election shall occur which date
22 shall be a Tuesday and shall not be earlier than the tenth Tuesday, and shall not be later than the
23 fifteenth Tuesday, after the effective date of the ordinance adopted to establish the district;

24 (2) The election shall be conducted in the same manner as provided for in section
25 67.1551, provided that the published notice of the election shall contain the information required
26 by section 67.1551 for published notices, except that it shall state that the purpose of the election
27 is for the election of directors, in lieu of the information related to taxes;

28 (3) Candidates shall pay the sum of five dollars as a filing fee and shall file not later than
29 the second Tuesday after the effective date of the ordinance establishing the district with the
30 municipal clerk a statement under oath that he or she possesses all of the qualifications set out
31 in this section for a director. Thereafter, such candidate shall have his or her name placed on the
32 ballot as a candidate for director;

33 (4) The director or directors to be elected shall be elected at large. The person receiving
34 the most votes shall be elected to the position having the longest term; the person receiving the
35 second highest votes shall be elected to the position having the next longest term and so forth.
36 For any district formed prior to August 28, 2003, of the initial directors, one-half shall serve for
37 a two-year term, one-half shall serve for a four-year term and if an odd number of directors are
38 elected, the director receiving the least number of votes shall serve for a two-year term, until
39 such director's successor is elected. For any district formed on or after August 28, 2003, for the
40 initial directors, one-half shall serve for a two-year term, and one-half shall serve for the term
41 specified by the district pursuant to subdivision (5) of this subsection, and if an odd number of
42 directors are elected, the director receiving the least number of votes shall serve for a two-year
43 term, until such director's successor is elected;

44 (5) Successor directors shall be elected in the same manner as the initial directors. The
45 date of the election of successor directors shall be specified by the municipal clerk which date
46 shall be a Tuesday and shall not be later than the date of the expiration of the stated term of the
47 expiring director. Each successor director shall serve a term for the length specified prior to the
48 election by the district, which term shall be at least three years and not more than four years, and
49 shall continue until such director's successor is elected. In the event of a vacancy on the board
50 of directors, the remaining directors shall elect an interim director to fill the vacancy for the
51 unexpired term.

52 5. If the petition provides that the board is to be appointed by the municipality, such
53 appointments shall be made by the chief elected officer of the municipality with the consent of
54 the governing body of the municipality. For any district formed prior to August 28, 2003, of the
55 initial appointed directors, one-half of the directors shall be appointed to serve for a two-year
56 term and the remaining one-half shall be appointed to serve for a four-year term until such
57 director's successor is appointed; provided that, if there is an odd number of directors, the last
58 person appointed shall serve a two-year term. For any district formed on or after August 28,
59 2003, of the initial appointed directors, one-half shall be appointed to serve for a two-year term,
60 and one-half shall be appointed to serve for the term specified by the district for successor
61 directors pursuant to this subsection, and if an odd number of directors are appointed, the last
62 person appointed shall serve for a two-year term; provided that each director shall serve until
63 such director's successor is appointed. Successor directors shall be appointed in the same manner
64 as the initial directors and shall serve for a term of years specified by the district prior to the
65 appointment, which term shall be at least three years and not more than four years.

66 6. If the petition states the names of the initial directors, those directors shall serve for
67 the terms specified in the petition and successor directors shall be determined either by the
68 above-listed election process or appointment process as provided in the petition.

69 7. Any director may be removed for cause by a two-thirds affirmative vote of the
70 directors of the board. Written notice of the proposed removal shall be given to all directors
71 prior to action thereon.

72 8. The board is authorized to act on behalf of the district, subject to approval of qualified
73 voters as required in this section; except that, all official acts of the board shall be by written
74 resolution approved by the board.

✓