

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2456
98TH GENERAL ASSEMBLY

5165H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 137.565 and 233.180, RSMo, and to enact in lieu thereof two new sections relating to special road district commissioner elections.

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

Section A. Sections 137.565 and 233.180, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 137.565 and 233.180, to read as follows:

137.565. Whenever ten or more voters residing in **or owners of land in** any general or
2 special road district in any county in this state shall petition the county commission of the county
3 in which such district is located, asking that such commission submit the question in such district
4 for the purpose of voting for or against the levy of the tax provided for in the second sentence
5 of the first paragraph of Section 12 of Article X of the Constitution of Missouri, it shall be the
6 duty of the county commission, upon the filing of such petition, to submit the question. The
7 petition so filed shall set out the duration of the tax to be levied in a period of one, two, three,
8 or four years and the ballot to be used for voting shall specify the number of years duration of
9 the tax levy, but in no event shall the duration of the tax levy be for a period of more than four
10 years. Such submission shall be made by an order entered of record setting forth the date and
11 the rate of tax the commission will levy, which rate shall not exceed thirty-five cents on the
12 hundred dollars assessed valuation on all taxable real and tangible personal property in the
13 district.

233.180. 1. At the term of the county commission in which such order is made, or at any
2 subsequent term thereafter, the county commission shall appoint three commissioners of the
3 special road district, who shall be voters of the district and owners of land within the district,
4 who shall hold their office until the second Tuesday in April thereafter. The voters of the district
5 shall elect three commissioners of the special road district, one of whom shall serve one year,

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.

6 one for two years and one for three years, and on municipal election days each year thereafter
7 they shall elect a commissioner of the special road district to take the place of the one whose
8 term is about to expire, who shall serve three years.

9 2. No person shall be elected or appointed commissioner of the special road district who
10 is not a voter of **the district or a registered voter from the county in which the district is**
11 **located and an owner of land in** the district. Any vacancy caused by resignation, death,
12 removal from the district of a commissioner of the special road district or sale of all land owned
13 by [him] **the commissioner** in the district shall be filled for the unexpired term by appointment
14 by the remaining commissioners of the special road district. All commissioners of the special
15 road district shall qualify by taking, subscribing and filing with the county clerk the oath
16 prescribed by the constitution of this state, and that they will faithfully, honestly and impartially
17 discharge their duties as commissioners of the special road district according to law.

18 3. If for any reason the board of commissioners of the special road district herein
19 mentioned shall fail to fill a vacancy or vacancies caused by the expiration of the term of any one
20 or more of the commissioners of the special road district, then the county commission is hereby
21 authorized and required to appoint a person to fill the vacancy. **In the event that two**
22 **consecutive elections pass without any candidates for a special road district commissioner**
23 **in municipal elections, then the county commission is hereby authorized and required to**
24 **appoint commissioners of the special road district for three-year terms thereafter with no**
25 **further elections being held.**

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