

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 164
101ST GENERAL ASSEMBLY

0043H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, and to enact in lieu thereof six new sections relating to school district subdistricts.

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

Section A. Sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 162.261, 162.281, 162.291, 162.471, 162.481, and 162.491, to read as follows:

162.261. 1. The government and control of a seven-director school district, other than an urban district, is vested in a board of education of seven members, who hold their office for three years, except as provided in section 162.241, and until their successors are duly elected and qualified. Any vacancy occurring in the board shall be filled by the remaining members of the board; except that if there are more than two vacancies at any one time, the county commission upon receiving written notice of the vacancies shall fill the vacancies by appointment. If there are more than two vacancies at any one time in a county without a county commission, the county executive upon receiving written notice of the vacancies shall fill the vacancies, with the advice and consent of the county council, by appointment. The person appointed shall hold office until the next municipal election, when a director shall be elected for the unexpired term.

2. No seven-director, urban, or metropolitan school district board of education shall hire a spouse of any member of such board for a vacant or newly created position unless the position has been advertised pursuant to board policy and the superintendent of schools submits a written recommendation for the employment of the spouse to the board of education. The names of all applicants as well as the name of the applicant hired for the position ~~are to~~ **shall** be included in the board minutes.

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.

17 3. The provisions of Article VII, Section 6 of the Missouri Constitution apply to school
18 districts.

19 4. **(1) Any seven-director school district may divide into subdistricts and provide
20 for the election of subdistrict board members as provided in this subsection.**

21 **(2) (a) Before December first of the calendar year immediately preceding the
22 general municipal election day in the calendar year in which a vote to divide the school
23 district into subdistricts will be held, the election authority of the county in which the
24 school district is located shall divide the school district into seven subdistricts of contiguous
25 and compact territory and as nearly equal in population as practicable. Within six months
26 after each decennial census is reported to the President of the United States, the election
27 authority shall reapportion the subdistricts to be as nearly equal in population as
28 practicable. The subdistricts shall be numbered from one upward consecutively, and as
29 much as practicable the numbers shall be retained upon reapportionment. After the
30 election authority divides the school district or reapportions the subdistricts, the election
31 authority shall notify the residents of the school district as provided by law.**

32 **(b) Any resident of the school district who believes the election authority has
33 divided the school district or reapportioned the subdistricts in violation of paragraph (a)
34 of this subdivision may petition the circuit court of the county in which the school district
35 exists for an order directing the election authority to divide the school district or
36 reapportion the subdistricts as provided in paragraph (a) of this subdivision. The petition
37 shall be submitted to the circuit court within ten business days of the election authority's
38 notice provided under paragraph (a) of this subdivision.**

39 **(3) On the first day available for candidate filing for the first general municipal
40 election day occurring after the subdistricts are created under this subsection, any
41 qualified resident who has or will have resided in the subdistrict for the year immediately
42 preceding the general municipal election day may file as a candidate for election to a
43 subdistrict of the school board. At the end of the time available for candidate filing, if no
44 qualified resident of a subdistrict has filed as a candidate in that subdistrict, the election
45 authority shall extend the time for candidate filing by seven additional days, and any
46 qualified resident of the school district who has or will have resided in the school district
47 for the year immediately preceding the general municipal election day may file as a
48 candidate for election to that subdistrict of the school board. The election authority shall
49 determine the validity of all declarations of candidacy.**

50 **(4) When the election is held on the general municipal election day, the seven
51 candidates, one from each of the subdistricts, who receive a plurality of the votes cast by
52 the voters of that subdistrict shall be elected. Any candidate who is not a subdistrict**

53 resident but qualifies as a candidate as a school district resident under subdivision (3) of
54 this subsection shall be elected by the voters of the school district. The three members
55 representing subdistricts 2, 4, and 6 of the subdivided school district shall be elected to an
56 initial term of two years, and the remaining four members representing subdistricts 1, 3,
57 5, and 7 of the subdivided school district shall be elected to an initial term of three years.
58 Each term thereafter shall be a three-year term.

59 (5) Each member shall serve until a successor is elected or the member vacates the
60 office. Any vacancy that occurs before the end of the member's term shall be filled as
61 provided in this section.

62 (6) Except for a member who is not a subdistrict resident but is elected as a school
63 district resident to represent a subdistrict under subdivision (3) of this subsection, each
64 member shall reside in the subdistrict the member represents during the member's term.

65 (7) All other provisions applicable to seven-director school districts that are not in
66 conflict with this subsection shall apply to school districts divided into subdistricts under
67 this subsection.

68 5. If any seven-director school district receives a petition, signed by at least ten
69 percent of the number of registered voters of the school district voting in the last school
70 board election, calling for an election to subdivide the school district into subdistricts and
71 provide for the election of subdistrict board members as provided in subsection 4 of this
72 section, the school district shall immediately notify the election authority of the county in
73 which the school district is located to begin the process described in subsection 4 of this
74 section.

162.281. Except as provided in subsection 4 of section 162.261, in all seven-director
2 districts, including urban districts, when directors are to be elected for terms of different lengths,
3 each candidate shall declare for a term of a specific number of years and the different terms shall
4 be voted upon as separate propositions.

162.291. Except as provided in subsection 4 of section 162.261, the voters of each
2 seven-director district other than urban districts shall, at municipal elections, elect two directors
3 who are citizens of the United States and resident taxpayers of the district, who have resided in
4 this state for one year next preceding their election or appointment, and who are at least twenty-
5 four years of age.

162.471. 1. The government and control of an urban school district is vested in a board
2 of seven directors.

3 2. Except as provided in subsection 3 of this section, each director shall be a voter of
4 the district who has resided within this state for one year next preceding [his] the director's
5 election or appointment and who is at least twenty-four years of age. All directors, except as

6 otherwise provided in section 162.481 and section 162.492, hold their offices for six years and
7 until their successors are duly elected and qualified. All vacancies occurring in the board, except
8 as provided in section 162.492, shall be filled by appointment by the board as soon as
9 practicable, and the person appointed shall hold [his] office until the next school board election,
10 when [his] a successor shall be elected for the remainder of the unexpired term. The power of
11 the board to perform any official duty during the existence of a vacancy continues unimpaired
12 thereby.

13 **3. (1) Except as provided in section 162.492, any urban school district may divide**
14 **into subdistricts and provide for the election of subdistrict board directors as provided in**
15 **this subsection.**

16 **(2) (a) Before December first of the calendar year immediately preceding the**
17 **general municipal election day in the calendar year in which a vote to divide the school**
18 **district into subdistricts will be held, the election authority of the county in which the**
19 **school district is located shall divide the school district into seven subdistricts of contiguous**
20 **and compact territory and as nearly equal in population as practicable. Within six months**
21 **after each decennial census is reported to the President of the United States, the election**
22 **authority shall reapportion the subdistricts to be as nearly equal in population as**
23 **practicable. The subdistricts shall be numbered from one upward consecutively, and as**
24 **much as practicable the numbers shall be retained upon reapportionment. After the**
25 **election authority divides the school district or reapportions the subdistricts, the election**
26 **authority shall notify the residents of the school district as provided by law.**

27 **(b) Any resident of the school district who believes the election authority has**
28 **divided the school district or reapportioned the subdistricts in violation of paragraph (a)**
29 **of this subdivision may petition the circuit court of the county in which the school district**
30 **exists for an order directing the election authority to divide the school district or**
31 **reapportion the subdistricts as provided in paragraph (a) of this subdivision. The petition**
32 **shall be submitted to the circuit court within ten business days of the election authority's**
33 **notice provided under paragraph (a) of this subdivision.**

34 **(3) On the first day available for candidate filing for the first general municipal**
35 **election day occurring after the subdistricts are created under this subsection, any**
36 **qualified resident who has or will have resided in the subdistrict for the year immediately**
37 **preceding the general municipal election day may file as a candidate for election to a**
38 **subdistrict of the school board. At the end of the time available for candidate filing, if no**
39 **qualified resident of a subdistrict has filed as a candidate in that subdistrict, the election**
40 **authority shall extend the time for candidate filing by seven additional days, and any**
41 **qualified resident of the school district who has or will have resided in the school district**

42 for the year immediately preceding the general municipal election day may file as a
43 candidate for election to that subdistrict of the school board. Candidates may be
44 nominated as provided by section 162.491. The election authority shall determine the
45 validity of all declarations of candidacy.

46 (4) When the election is held on the general municipal election day, the seven
47 candidates, one from each of the subdistricts, who receive a plurality of the votes cast by
48 the voters of that subdistrict shall be elected. Any candidate who is not a subdistrict
49 resident but qualifies as a candidate as a school district resident under subdivision (3) of
50 this subsection shall be elected by the voters of the school district. The three directors
51 representing subdistricts 2, 4, and 6 of the subdivided school district shall be elected to an
52 initial term of five years, and the remaining four directors representing subdistricts 1, 3,
53 5, and 7 of the subdivided school district shall be elected to an initial term of six years.
54 Each term thereafter shall be a six-year term.

55 (5) Each director shall serve until a successor is elected or the director vacates the
56 office. Any vacancy that occurs before the end of the director's term shall be filled as
57 provided in this section.

58 (6) Except for a director who is not a subdistrict resident but is elected as a school
59 district resident to represent a subdistrict under subdivision (3) of this subsection, each
60 director shall reside in the subdistrict the director represents during the director's term.

61 (7) All other provisions applicable to urban school districts that are not in conflict
62 with this subsection shall apply to school districts divided into subdistricts under this
63 subsection.

64 4. If any urban school district receives a petition, signed by at least ten percent of
65 the number of registered voters of the school district voting in the last school board
66 election, calling for an election to subdivide the school district into subdistricts and provide
67 for the election of subdistrict board directors as provided in subsection 3 of this section,
68 the school district shall immediately notify the election authority of the county in which the
69 school district is located to begin the process described in subsection 3 of this section.

162.481. 1. Except as otherwise provided in section 162.471, this section, and [in]
2 section 162.492, all elections of school directors in urban school districts shall be held biennially
3 at the same times and places as municipal elections.

4 2. Except as otherwise provided in subsections 3, 4, and 5 of this section, hereafter when
5 a seven-director district becomes an urban school district, the directors of the prior seven-director
6 district shall continue as directors of the urban school district until the expiration of the terms
7 for which they were elected and until their successors are elected as provided in this subsection.
8 The first biennial school election for directors shall be held in the urban school district at the

9 time provided in subsection 1 which is on the date of or subsequent to the expiration of the terms
10 of the directors of the prior district which are first to expire, and directors shall be elected to
11 succeed the directors of the prior district whose terms have expired. If the terms of two directors
12 only have expired, the directors elected at the first biennial school election in the urban school
13 district shall be elected for terms of six years. If the terms of four directors have expired, two
14 directors shall be elected for terms of six years and two shall be elected for terms of four years.
15 At the next succeeding biennial election held in the urban school district, successors for the
16 remaining directors of the prior seven-director district shall be elected. If only two directors are
17 to be elected they shall be elected for terms of six years each. If four directors are to be elected,
18 two shall be elected for terms of six years and two shall be elected for terms of two years. After
19 seven directors of the urban school district have been elected under this subsection, their
20 successors shall be elected for terms of six years.

21 3. In any school district in which a majority of the district is located in any home rule city
22 with more than one hundred fifty-five thousand but fewer than two hundred thousand
23 inhabitants, elections shall be held annually at the same times and places as general municipal
24 elections for all years where one or more terms expire, and the terms shall be for three years and
25 until their successors are duly elected and qualified for all directors elected on and after August
26 28, 1998.

27 4. For any school district which becomes an urban school district by reason of the 2000
28 federal decennial census, elections shall be held annually at the same times and places as general
29 municipal elections for all years where one or more terms expire, and the terms shall be for three
30 years and until their successors are duly elected and qualified for all directors elected on and after
31 August 28, 2001.

32 5. In any school district in any county with a charter form of government and with more
33 than three hundred thousand but fewer than four hundred fifty thousand inhabitants which
34 becomes an urban school district by reason of the 2010 federal decennial census, elections shall
35 be held annually at the same times and places as general municipal elections for all years where
36 one or more terms expire, and the terms shall be for three years and until their successors are
37 duly elected and qualified for all directors elected on and after April 2, 2012.

38 6. In any urban school district in a county of the first classification with more than
39 eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city
40 with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the
41 county seat, elections shall be held annually at the same times and places as general municipal
42 elections for all years where one or more terms expire, and upon expiration of any term after
43 August 28, 2015, the term of office shall be for three years and until their successors are duly
44 elected and qualified.

162.491. 1. Directors for urban school districts, other than those districts containing the greater part of a city of over one hundred thirty thousand inhabitants, may be nominated by petition to be filed with the secretary of the board and signed by a number of voters in the district equal to ten percent of the total number of votes cast for the director receiving the highest number of votes cast at the next preceding biennial election, except as provided in subsection 4 of this section.

2. This section shall not be construed as providing the sole method of nominating candidates for the office of school director in urban **school** districts which do not contain the greater part of a city of over three hundred thousand inhabitants.

3. A director for any urban school district containing a city of greater than one hundred thirty thousand inhabitants and less than three hundred thousand inhabitants may be nominated as an independent candidate by filing with the secretary of the board a petition signed by five hundred registered voters of such school district.

4. In any urban school district located in a county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a home rule city with more than seventy-six thousand but fewer than ninety-one thousand inhabitants as the county seat, a candidate for director shall file a declaration of candidacy with the secretary of the board and shall not be required to submit a petition.

5. No candidate for election as a school board director representing a subdistrict under subsection 3 of section 162.471 shall be required to file a declaration of candidacy under this section as the sole method of filing for candidacy.

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