

FIRST REGULAR SESSION

SENATE BILL NO. 486

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

1604S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 182.020, 182.050, 182.073, 182.291, 182.640, 182.645, and 182.650, RSMo, and to enact in lieu thereof seven new sections relating to public libraries.

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

Section A. Sections 182.020, 182.050, 182.073, 182.291,
2 182.640, 182.645, and 182.650, RSMo, are repealed and seven new
3 sections enacted in lieu thereof, to be known as sections
4 182.020, 182.050, 182.073, 182.291, 182.640, 182.645, and
5 182.650, to read as follows:

182.020. 1. If, from returns of the submission of the
2 question, the majority of all the votes cast are in favor of
3 establishing a county library district and for the tax for a
4 free county library, the county governing body shall enter
5 of record a brief recital of the returns and that there has
6 been established "_____ county library district", and
7 thereafter such "_____ county library district", shall be
8 considered established; and the tax specified in the notice,
9 subject to the provisions of this section, shall be levied
10 and collected, from year to year.

11 2. At least once in every month the county collector
12 in each county of the first and second classes, including
13 such counties having a charter form of government, shall pay
14 over to the treasurer of the county library district all
15 moneys received and collected by him to which the district
16 is entitled and take duplicate receipts from the treasurer,

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 one of which he shall file with the secretary of the county
18 library district and the other he shall file in his
19 settlement with the county governing body. The county
20 collector in the counties of the third and fourth classes
21 shall pay over to the county treasurer at least once in
22 every month all moneys received and collected by him which
23 are due the county library district and shall take duplicate
24 receipts therefor, one of which he shall file in his
25 settlement with the county governing body. The county
26 treasurer in such counties shall pay over to the treasurer
27 of the county library district, at least once in every
28 month, all moneys so received by him to which the district
29 is entitled. Upon payment he shall take duplicate receipts
30 from the treasurer of the county library district, one of
31 which he shall file with the secretary of the county library
32 district, and the other he shall file in his settlement with
33 the county governing body.

34 3. The tax may be reconsidered whenever the voters of
35 any county library district shall so determine by a majority
36 vote on such questions after petition, order, and notice of
37 the election and of the purpose thereof, first having been
38 made, filed, and given, as in the case of establishing such
39 county library district. At least five years must elapse
40 after the county library district has been established and a
41 tax therefor has been levied before a question to reconsider
42 the tax may be submitted under this subsection.

43 4. Whenever the county library board of trustees finds
44 it appropriate, it may order an election on the question of
45 increasing the tax established pursuant to subsection 2 of
46 section 182.010 or increased pursuant to subsection 5 of
47 section 182.010, **except that, if the county library district**
48 **is located in a charter county, the board of trustees shall**

49 **first request and secure the authorization of the county**
50 **council before the board may submit such a question to the**
51 **voters.** Notice of the election shall be published in the
52 same manner as is notice of an election to establish a
53 county library district under section 182.010. The notice
54 and order shall each recite the amount of the proposed
55 increase. The question shall be submitted in substantially
56 the following form:

57 Shall the _____ per hundred dollars assessed
58 valuation tax for the county library be
59 increased to _____ per hundred dollars assessed
60 valuation?

61 If a majority of votes cast on the question are in favor of
62 the increase, then the increased tax shall be levied and
63 collected in the same manner as the tax was at its previous
64 lower rate.

65 5. As used in sections 182.010 to 182.120, **unless the**
66 **context clearly indicates otherwise**, the words "county
67 commission" or "county governing body" shall be construed to
68 mean the proper commission or official in any county
69 operating under a special charter.

 182.050. For the purpose of carrying into effect
2 sections 182.010 to 182.120, in case a county library
3 district is established and a free county library authorized
4 as provided in section 182.010, within sixty days after the
5 establishment of the county library district, there shall be
6 created a county library board of trustees, of five members,
7 who shall be residents of the library district, none of whom
8 shall be elected county officials. The members shall be
9 appointed by the county commission for terms of four years
10 each, except that as to the members of the first board, two

11 shall be appointed for one year, and one each shall be
12 appointed for two years, three years, and four years,
13 respectively, from the first day of July following their
14 appointment; and annually thereafter before the first day of
15 July the county commission shall appoint successors. **If the**
16 **county library district is located in a charter county, the**
17 **county executive officer may nominate an individual for**
18 **appointment to the board of trustees, but no such individual**
19 **shall be appointed without the approval of the county**
20 **council.** Vacancies in the board occasioned by removals,
21 resignations or otherwise shall be reported to the county
22 commission and shall be filled in like manner as original
23 appointments; except that if the vacancy is in an unexpired
24 term, the appointment shall be made for only the unexpired
25 portion of that term. No member of the board shall receive
26 compensation as such. No person shall be employed by the
27 board of library trustees or by the librarian who is related
28 within the third degree by blood or by marriage to any
29 trustee of the board.

182.073. 1. The treasurer of the board of trustees of
2 a county library district shall receive and be the custodian
3 of all money belonging to the district from whatever source
4 derived, **provided that, if the county library district is**
5 **located in a charter county, the county council shall**
6 **approve or deny any proposed disbursements of funds**
7 **belonging to the county library district.** All funds of the
8 county library district derived from local taxation for the
9 county library fund and received from the county collector
10 shall be kept in the county library fund. All funds of the
11 county library district derived from local taxation for the
12 county library building fund and received from the county
13 collector shall be kept in the county library building fund;

14 all funds derived from state aid or federal grants, other
15 than land, building and furnishing grants, shall be kept in
16 the county library operating fund; and the board may
17 establish any other funds that it deems necessary. The
18 treasurer shall deposit all moneys belonging to the county
19 library district in the depositories that are selected by
20 the board of trustees. The treasurer shall also be the
21 custodian of all bonds or other securities belonging to the
22 county library district.

23 2. County library district moneys shall be disbursed
24 by the treasurer by appropriate instrument of payment only
25 upon due authorization of the county library district board
26 of trustees [and] **or, if the county library district is**
27 **located in a charter county, the county council. All**
28 **disbursements of funds that are approved by the board of**
29 **trustees or county council shall be** duly certified for
30 payment by the president **of the county library district**
31 **board of trustees.** The certification shall specify the
32 amount to be paid, to whom payment is to be made and the
33 purpose for which payment is being made. The board by
34 resolution may direct that the signature of the president or
35 treasurer be a facsimile signature in the manner provided by
36 sections 105.272 to 105.278.

37 3. No authorization or certification shall be made,
38 and no instrument of payment issued, for the payment of any
39 county library district indebtedness unless there is
40 sufficient money in the treasury and the proper fund for the
41 payment of the indebtedness and be in the proper form.

42 4. The treasurer of the board of trustees shall submit
43 to the board of trustees, at each regularly scheduled
44 meeting of the board, an accounting reflecting receipt and

45 disbursement of funds belonging to the county library
46 district.

182.291. 1. After the establishment of a county
2 library district as provided in section 182.010, the board
3 of trustees of any city library within the county, which
4 city has a library tax levy equal to that levied for the
5 county library district, and which county library district
6 has a population of under two hundred and fifty thousand,
7 with the prior approval of the governing body of the city,
8 may petition the county governing body to permit the
9 organization of a city-county library to provide library
10 service to the residents of the county by appropriate means
11 from the city library.

12 2. After the county library board has been appointed
13 as provided in section 182.050, the county library board may
14 petition the county governing body to permit the
15 organization of a city-county library which shall provide
16 library service to the residents of the county by
17 appropriate means from the city library. Within thirty days
18 after receiving the petition the county governing body shall
19 notify the county library board and the city library board
20 of its decision by order of record. If the petition is
21 approved, the city-county library shall be deemed
22 established; but if the petition is denied, the parties may
23 proceed as provided in sections 182.010 to 182.120.

24 3. The city-county library shall be under the control
25 and supervision of a board of trustees of nine members. If
26 the population of the county is larger than that of the
27 city, the county governing body shall appoint five members
28 of the library board. If the population of the county is
29 less than that of the city, the county governing body shall
30 appoint four members of the library board. If the

31 population of the city is larger than that of the county,
32 the mayor of the city shall appoint five members to the
33 library board. If the population of the city is less than
34 that of the county, the mayor shall appoint four members to
35 the library board. **If the city-county library district**
36 **includes a charter county, the county executive officer of**
37 **such charter county may nominate an individual for the**
38 **county council's consideration for appointment to the board**
39 **of trustees, but no such individual shall be appointed**
40 **without the approval of the county council.** The members
41 shall serve a term of three years and until their successors
42 are appointed and qualified in the same manner as their
43 predecessors; except that, the original members shall serve
44 terms ranging from one to three years to be determined by
45 the board at its first meeting. Immediately upon their
46 appointment, the board shall organize as provided in section
47 182.060; and thereupon the city board shall cease to exist
48 and shall turn over all property, books and records to the
49 city-county board.

50 4. All unexpended funds of the preexisting separate
51 city and county library districts shall be deposited by the
52 custodians thereof with the city treasurer immediately upon
53 the issuance of the county governing body's approval of the
54 petition.

55 5. For all tax purposes, including levies and
56 adjustments thereof, the city library district shall become
57 a part of the county library district at the beginning of
58 the next fiscal year after the merger and the property
59 within the city library district shall be treated as within
60 the county library district for all such purposes; except,
61 until the city library district shall become a part of the
62 county library district the levy and collection of taxes

63 shall be made as though no merger had taken place, so that
64 the levy and collection of taxes shall be without
65 interruption, and during that period no change in the levy
66 shall take place. The funds collected shall be turned over
67 to the city treasurer immediately upon collection.

68 6. All of the real and personal property and all of
69 the obligations of the preexisting separate city and county
70 library districts shall, without further action, become the
71 property and obligations of the merged city-county library
72 district, which shall have an official name composed of the
73 name of the city, followed by the name of the county and
74 followed by the words "County Library District".

75 7. The merged district, and the librarian, officials
76 and board thereof, shall have all of the rights, powers,
77 responsibilities, and privileges granted county library
78 districts by the laws of the state of Missouri and shall be
79 governed by such laws, as though the merged districts were a
80 county library district, except:

81 (1) Where such laws are inconsistent with this section;

82 (2) The treasurer of the board of trustees of the
83 library district shall receive and be the custodian of all
84 moneys, belonging to the district from whatever source
85 derived, **provided that the county council of any charter**
86 **county comprising the merged city-county library district**
87 **shall approve or deny all proposed disbursements of funds**
88 **belonging to the merged city-county library district.** Such
89 funds shall be audited annually. At least once in every
90 month the proper finance officer shall pay over to the
91 treasurer of the library district all moneys received and
92 collected for the fund, including interest on such moneys,
93 and take duplicate receipts from the treasurer, one of which
94 he shall file with the secretary of the library district and

95 the other of which he shall file in his settlement with the
96 proper governing body;

97 (3) The library board shall prepare a budget for each
98 fiscal year and all expenditures shall conform to such
99 budget. The budget shall be prepared and approved by the
100 library board [and] or, **if a charter county is included in**
101 **the merged city-county library district, the county council**
102 **of the charter county, and shall be** made available to the
103 members of the governing body of the city and the members of
104 the county governing body, **if such governing body is not a**
105 **county council of a charter county,** sixty days before the
106 beginning of each fiscal year, except the first budget of
107 the merged district shall be prepared forthwith and so
108 delivered after the merger.

182.640. 1. A consolidated public library district
2 created under the provisions of sections 182.610 to 182.670
3 shall be governed by a board of trustees which shall consist
4 of not less than eight trustees to be appointed by the
5 county commission or county executive officers of the
6 counties participating in the consolidated public library
7 district. **If a consolidated public library district**
8 **includes a charter county, the county executive officer of**
9 **the charter county may nominate an individual for the county**
10 **council's consideration for appointment to the board of**
11 **trustees, but no such individual shall be appointed without**
12 **the approval of the county council.** Upon the creation of a
13 consolidated district under section 182.620, the county
14 commission or county executive officers of each
15 participating county shall appoint four trustees who are
16 residents of that county and who reside in the district, as
17 representatives of its county. If an existing consolidated
18 public library district is enlarged by incorporating into it

19 any county public library district under section 182.660,
20 then the county commission or county executive of the
21 petitioning county district shall appoint four trustees who
22 are residents of that county as representatives of the
23 county. If an existing consolidated public library district
24 is enlarged by incorporating into it any city, municipal,
25 school, or other public library district that does not
26 include an entire county, that includes territory outside of
27 the consolidated district's existing boundaries, and that
28 petitions to join the consolidated district under section
29 182.660, then the county commission or county executive of
30 each county within the petitioning district that is outside
31 of the consolidated district's existing boundaries shall
32 appoint one trustee who resides in their county and also
33 within the petitioning district as a representative of the
34 consolidated district. No appointed trustee shall be an
35 elected official.

36 2. The trustees of the existing boards of a county
37 public **library** district shall remain as the representatives
38 of their respective **[county] counties** and shall serve the
39 remainder of their respective **[term] terms** as the governing
40 board of a consolidated public library district. Upon
41 expiration of **[their] a trustee's** term, the county
42 commission or county executive officer shall appoint a
43 resident of the respective county and district for a four-
44 year term beginning the first day of July or until a
45 successor shall be appointed. **If a consolidated public**
46 **library district includes a charter county, the county**
47 **executive officer of the charter county may nominate an**
48 **individual for the county council's consideration for**
49 **appointment to the board of trustees, but no such individual**
50 **shall be appointed without the approval of the county**

51 **council.** Trustees in office as of August 28, 2005, who
52 reside outside the district shall be deemed to have vacated
53 their trusteeships and successors shall be appointed under
54 subsection 4 of this section.

55 3. Whenever any member of the board of trustees shall,
56 without good cause, fail to attend six consecutive board
57 meetings of the consolidated public library district or
58 whenever any member of the board of trustees is deemed by
59 the majority of the board of trustees to be guilty of
60 conduct prejudicial to the good order and effective
61 operation of the consolidated public library district, or
62 whenever any member is deemed to be guilty of neglect of
63 duty, then such member may be removed by resolution of the
64 board of trustees duly acted upon, after specification of
65 charge and hearing.

66 4. Vacancies in the board occasioned by removals,
67 resignations, or otherwise shall be reported to the county
68 commission or county executive officers and shall be filled
69 in like manner as original appointments; except that, if the
70 vacancy occurs during an unexpired term, the appointment
71 shall be for only the unexpired portion of that term.

72 5. No person shall be employed by the board of library
73 trustees or by the librarian who is related within the third
74 degree by blood or by marriage to any trustee of the board.

75 6. Except as in sections 182.610 to 182.670 otherwise
76 expressly provided, no trustee of a consolidated public
77 library district shall receive any fee, salary, gratuity or
78 other compensation or remuneration for acting as such;
79 except that, the board of trustees may reimburse its members
80 for actual and necessary expenses incurred in the
81 performance of their duties.

82 7. The board of trustees shall have a president,
83 secretary and a treasurer and such other officers as the
84 board may select. All officers of the board shall be
85 selected by the board. All officers of the board of
86 trustees shall serve at the pleasure of the board, and shall
87 not receive any salary, gratuity or other compensation or
88 reimbursement for acting as such, except the treasurer, who
89 may also serve as secretary.

90 8. The board shall provide for regularly scheduled
91 meetings of the board to be held monthly; except that, the
92 board shall not be required to meet more than ten times in
93 any calendar year. The board shall make and adopt bylaws,
94 rules and regulations governing the proceedings of the
95 board, including bylaws prescribing the duties of each
96 officer of the board of trustees. No bylaws, rules or
97 regulations shall be contrary to, or inconsistent with, any
98 provision of law.

99 9. A majority of the full board of trustees shall
100 constitute a quorum for the transaction of business. The
101 act of the majority of the trustees present at a meeting at
102 which a quorum is present shall be the act of the board of
103 trustees, except as hereinafter provided. The affirmative
104 vote of a majority of the full board of trustees shall be
105 required to enter into any contract, employ or dismiss the
106 chief administrative officer of the district, effect a
107 merger or consolidation or approve a budget.

108 10. The board of trustees of a consolidated public
109 library district shall adopt policies for the government of
110 the consolidated public library district that will carry out
111 the spirit and intent of sections 182.610 to 182.670, and
112 the board shall employ a duly qualified graduate librarian
113 as the chief executive and administrative officer of the

114 consolidated public library district charged with the duty
115 of carrying out the policies adopted by the board. The
116 librarian shall serve at the pleasure of the board. The
117 librarian shall have the authority to employ professional
118 library assistants and other employees to fill the positions
119 that are created by the board. The assistants and employees
120 may be dismissed by the librarian.

182.645. 1. The fiscal year for each consolidated
2 public library district shall be July first to June
3 thirtieth, and each year the librarian shall submit [to the
4 board of trustees] a budget for the forthcoming fiscal year
5 **to the board of trustees and, if a charter county is**
6 **included in the consolidated public library district, to the**
7 **county council of the charter county.** The board shall
8 approve the budget after making any changes therein that it
9 deems necessary, **except that, if the consolidated public**
10 **library district includes a charter county, the board shall**
11 **submit the proposed budget to the county council of the**
12 **charter county for approval, and the county council shall**
13 **approve the budget after making any changes therein that it**
14 **deems necessary.** The budget shall be approved on or before
15 June thirtieth preceding the fiscal year for which the
16 budget was prepared. The board on its own motion or at the
17 request of the librarian, **subject to the approval of the**
18 **county council of any charter county that is included in the**
19 **consolidated public library district,** from time to time, may
20 amend or modify the approved budget. A copy of the approved
21 budget shall be filed with each county commission or county
22 executive office of the counties comprising the consolidated
23 public library district, and with the state auditor.

24 2. The treasurer of the board of trustees of a
25 consolidated public library district shall receive and be

26 the custodian of all money belonging to the district from
27 whatever source derived, **provided that the county council of**
28 **any charter county included in the consolidated public**
29 **library district shall approve or deny all proposed**
30 **disbursements of funds belonging to the consolidated public**
31 **library district.** All funds of the consolidated public
32 library district derived from local taxation to be used for
33 normal operations of the district and received from the
34 county collector, shall be kept in a consolidated library
35 operating fund. All funds belonging to the district which
36 are to be used for building purposes shall be kept in a
37 consolidated library building fund; all funds derived from
38 state aid or federal grants, other than land, building and
39 furnishing grants, shall be kept in the consolidated library
40 operating fund; and the board may establish any other funds
41 that it deems necessary. The treasurer shall deposit all
42 moneys belonging to the consolidated public library district
43 in the depositaries that are selected by the board of
44 trustees. The treasurer shall also be the custodian of all
45 bonds or other securities belonging to the consolidated
46 public library district.

47 3. Consolidated public library district moneys shall
48 be disbursed by the treasurer by appropriate instrument of
49 payment only upon due authorization of the consolidated
50 public library district board of trustees [and] **or, if the**
51 **consolidated public library district includes a charter**
52 **county, the county council of such charter county. All**
53 **disbursements of funds that are approved by the board or**
54 **county council shall be** duly certified for payment by the
55 president **of the consolidated library district board of**
56 **trustees.** The certification shall specify the amount to be
57 paid, to whom payment is to be made and the purpose for

58 which payment is being made. The board by resolution may
59 direct that the signature of the president or treasurer be a
60 facsimile signature in the manner provided by sections
61 105.273 to 105.278.

62 4. No authorization or certification shall be made,
63 and no instrument of payment issued for the payment of any
64 consolidated public library district indebtedness unless
65 there is sufficient money in the treasury and the proper
66 fund for the payment of the indebtedness and be in the
67 proper form.

68 5. The treasurer of the board of trustees shall submit
69 to the board of trustees **and the county council of any**
70 **charter county included in the consolidated public library**
71 **district**, at each regularly scheduled meeting of the board,
72 **or at another time upon request of the county council**, an
73 accounting reflecting receipt and disbursement of funds
74 belonging to the consolidated public library district.

182.650. 1. Whenever a consolidated public library
2 district has been created it may levy a tax at a rate of not
3 less than twenty cents on the one hundred dollars of
4 assessed valuation of all taxable property in the districts
5 to be served by the consolidated public library district;
6 except that, any increase in the rate of taxation to be
7 assessed shall, on resolution adopted by the board of
8 trustees of the consolidated public library district, be
9 submitted to the county commission or county executive
10 officers of the counties included within the district, to be
11 submitted to the voters of the respective counties for
12 approval, **except that, if the consolidated public library**
13 **district includes a charter county, the board of trustees**
14 **shall first request and secure the authorization of the**

15 **county council before the board may submit such a question**
16 **to the voters.**

17 2. The county commissions or county executive
18 officers, after receipt of the resolution pursuant to the
19 provisions of this section, shall order that the proposed
20 increase in the rate of taxation be submitted to the voters
21 of the consolidated public library district at an election,
22 **except that, if the resolution is submitted to the county**
23 **council of a charter county for authorization pursuant to**
24 **subsection 1 of this section, the county council shall**
25 **approve or deny the resolution, and, if the resolution is**
26 **approved, the county council shall order that the proposed**
27 **increase in the rate of taxation be submitted to the voters**
28 **of the charter county at an election.** The order of the
29 commission **or council** and the notice shall specify the name
30 of the county and the rate of taxation mentioned in the
31 petition.

32 3. The question shall be submitted in substantially
33 the following form:

34 Shall there be a _____ cent tax increase over
35 the _____ cent tax per hundred dollars assessed
36 valuation for the _____ consolidated public
37 library district?

38 4. If a majority of all the votes cast on the question
39 shall be for the tax increase as submitted, the increased
40 tax specified in the notice shall be levied and collected in
41 like manner with other county taxes and shall be paid and
42 forwarded to the treasurer of the board of trustees of the
43 consolidated public library district by the county collector.

44 5. If a majority of the votes cast on the question
45 shall be against the tax rate as submitted, then the tax
46 rate shall remain at the previously existing levy.

47 6. Whenever in any consolidated public library
48 district which has decided to establish and maintain a free
49 library in any district served under the provisions of
50 sections 182.610 to 182.670, the consolidated public library
51 district board of trustees, by written resolution entered of
52 record, deems it necessary that free library buildings be
53 erected in the district, it shall notify the county
54 commission or [chief executive], **if the consolidated public**
55 **library district includes a charter county, the county**
56 **council**, in writing asking that an annual tax be levied at
57 and as an increased rate of taxation for the library
58 buildings and specify in its resolution an additional rate
59 of taxation of _____ cents on the hundred dollars annually,
60 and not to be levied for more than ten years on all taxable
61 property in such consolidated public library district, then
62 the county commission or county executive officer shall
63 enter of record a brief recital of the resolution and shall
64 order that the question be submitted to the voters of the
65 consolidated public library district, **except that such a**
66 **resolution shall first be approved by the county council of**
67 **any charter county included in the consolidated public**
68 **library district before the question may be submitted to the**
69 **voters of the charter county.** The order of the commission
70 or county executive officer and notice shall specify the
71 rate of taxation mentioned in the resolution.

72 7. The question shall be submitted in substantially
73 the following form:

74 Shall there be a _____ cent tax for erection of
75 library buildings?

76 8. If the majority of the voters of the county library
77 district voting on the question vote in favor of the tax,
78 the tax specified in the notice shall be levied and

79 collected in like manner with other taxes of the county, and
80 delivered to the treasurer of the board of trustees of the
81 consolidated public library district, and shall be subject
82 to the exclusive control of the consolidated public library
83 district board of trustees, and the fund shall be disbursed
84 by the consolidated public library district treasurer only
85 upon proper instrument of payment of the board, and be used
86 for expenses incident to the erection and furnishing of the
87 library buildings. The levy herein providing for the
88 erection of library buildings shall be in addition to the
89 tax levied for the establishment and maintenance of the
90 consolidated public library district.

✓