

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 881**  
91ST GENERAL ASSEMBLY

---

---

Reported from the Committee on Aging, Families and Mental Health, April 12, 2001, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

1915S.03C

---

---

**AN ACT**

To repeal section 198.280, RSMo 2000, relating to nursing home districts, and to enact in lieu thereof one new section relating to the same subject.

---

---

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

Section A. Section 198.280, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 198.280, to read as follows:

198.280. 1. After the nursing home district has been declared organized, the declaring county commission shall **either:**

(1) Divide the district into six election districts as equal in population as possible, and shall by lot number the districts from one to six, inclusive. The county commission shall cause an election to be held in the nursing home district within ninety days after the order establishing the nursing home district to elect nursing home district directors. The election shall be called, held and conducted and notice shall be given as provided in sections 198.240 to 198.270, and each voter shall vote for the director from his **or her** district; **or**

(2) **Cause an election to be held in the nursing home district within ninety days after the order establishing the nursing home district to elect six at-large nursing home district directors. The election shall be called, held and conducted and notice shall be given as provided in sections 198.240 to 198.270.**

After August 28, 1994, directors shall be elected for a term of three years. The first director whose term expires after August 28, 1994, shall continue to hold office until the expiration of the term of the second director whose term expires after August 28, 1994, at which time both such directors shall be elected for a term of three years. The third director whose term

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

17 expires after August 28, 1994, shall continue to hold office until the expiration of the term of  
18 the fourth director whose term expires after August 28, 1994, at which time both such  
19 directors shall be elected for a term of three years. The fifth director whose term expires after  
20 August 28, 1994, shall continue to hold office until the expiration of the term of the sixth  
21 director whose term expires after August 28, 1994, at which time both such directors shall be  
22 elected for a term of three years. All directors shall serve until their successors are elected  
23 and qualified. If a vacancy occurs, the board shall select a successor who shall serve until the  
24 next regular election of a director is to be held in that **nursing home or election** district. If  
25 no candidate files a declaration of candidacy for a **nursing home or election** district, a  
26 majority of the board of directors may, after the election in that **nursing home or election**  
27 district would have regularly been held, appoint any resident of the nursing home district who  
28 otherwise qualifies [under] **pursuant to** subsection 2 of this section to fill that vacancy.

29 **2. Following the initial election establishing the nursing home district board**  
30 **of directors pursuant to subsection 1 of this section, the circuit court may choose**  
31 **to elect the board of directors at large.**

32 [2.] **3.** Candidates for director of the nursing home district shall be citizens of the  
33 United States, resident taxpayers of the nursing home district who have resided within the  
34 state for one year next preceding the election and who are at least twenty-four years of  
35 age. All candidates shall file their declarations of candidacy with the county commission  
36 calling the election at least twenty days prior to the special election.

37 [3.] **4.** Notwithstanding any other provisions of law to the contrary, if the number of  
38 candidates for the office of director is equal to the number of directors to be elected, no  
39 election shall be held, and the candidates shall assume the responsibility of their offices at  
40 the same time and in the same manner as if they have been elected; however, if any vacancies  
41 are created after local certification and prior to the deadline provided in subdivision (4) of  
42 section 115.453, RSMo, which cause the number of filed candidates to be less than the number  
43 of vacancies to be filled, an election shall be held, and write-in candidates for such positions  
44 shall be eligible as otherwise provided by law.