

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 978
94TH GENERAL ASSEMBLY

Reported from the Committee on Elections April 10, 2008 with recommendation that House Committee Substitute for Senate Bill No. 978 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

4474L.03C

AN ACT

To repeal sections 321.015 and 321.200, RSMo, and to enact in lieu thereof three new sections relating to boards overseeing emergency services.

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

Section A. Sections 321.015 and 321.200, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 190.056, 321.015, and 321.200, to read as
3 follows:

190.056. 1. Each member of an ambulance district board of directors shall be
2 **subject to recall from office by the registered voters of the election district from which he**
3 **or she was elected. Proceedings may be commenced for the recall of any such member by**
4 **the filing of a notice of intention to circulate a recall petition under this section.**

5 **2. Proceedings may not be commenced against any member if, at the time of**
6 **commencement, such member:**

7 **(1) Has not held office during his or her current term for a period of more than one**
8 **hundred eighty days; or**

9 **(2) Has one hundred eighty days or less remaining in his or her term; or**

10 **(3) Has had a recall election determined in his or her favor within the current term**
11 **of office.**

12 **3. The notice of intention to circulate a recall petition shall be served personally,**
13 **or by certified mail, on the board member sought to be recalled. A copy thereof shall be**

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.

14 filed, along with an affidavit of the time and manner of service, with the election authority,
15 as defined in chapter 115, RSMo. A separate notice shall be filed for each board member
16 sought to be recalled and shall contain all of the following:

17 (1) The name of the board member sought to be recalled;

18 (2) A statement, not exceeding two hundred words in length, of the reasons for the
19 proposed recall; and

20 (3) The names and business or residential addresses of at least one but not more
21 than five proponents of the recall.

22 4. Within seven days after the filing of the notice of intention, the board member
23 may file with the election authority a statement, not exceeding two hundred words in
24 length, in answer to the statement of the proponents. If an answer is filed, the board
25 member shall also serve a copy of it, personally or by certified mail, on one of the
26 proponents named in the notice of intention. The statement and answer are intended solely
27 to be used for the information of the voters. No insufficiency in form or substance of such
28 statements shall affect the validity of the election proceedings.

29 5. Before any signature may be affixed to a recall petition, the petition is required
30 to bear all of the following:

31 (1) A request that an election be called to elect a successor to the board member;

32 (2) A copy of the notice of intention, including the statement of grounds for recall;

33 (3) The answer of the board member sought to be recalled, if any exists. If the
34 board member has not answered, the petition shall so state; and

35 (4) A place for each signer to affix his or her signature, printed name and
36 residential address, including any address in a city, town, village, or unincorporated
37 community.

38 6. Each section of the petition, when submitted to the election authority, shall have
39 attached to it an affidavit signed by the person circulating such section, setting forth all of
40 the following:

41 (1) The printed name of the affiant;

42 (2) The residential address of the affiant;

43 (3) That the affiant circulated that section and saw the appended signatures be
44 written;

45 (4) That according to the best information and belief of the affiant, each signature
46 is the genuine signature of the person whose name it purports to be;

47 (5) That the affiant is a registered voter of the election district of the board member
48 sought to be recalled; and

49 (6) The dates between which all the signatures to the petition were obtained.

50 7. A recall petition shall be filed with the election authority not more than one
51 hundred eighty days after the filing of the notice of intention.

52 8. The number of qualified signatures required in order to recall a board member
53 shall be equal in number to at least twenty-five percent of the number of voters who voted
54 in the most recent gubernatorial election in such election district.

55 9. Within twenty days from the filing of the recall petition the election authority
56 shall determine whether or not the petition was signed by the required number of qualified
57 signatures. The election authority shall file with the petition a certificate showing the
58 results of the examination. The election authority shall give the proponents a copy of the
59 certificate upon their request.

60 10. If the election authority certifies the petition to be insufficient, it may be
61 supplemented within ten days of the date of certification by filing additional petition
62 sections containing all of the information required by this section. Within ten days after
63 the supplemental copies are filed, the election authority shall file with them a certificate
64 stating whether or not the petition as supplemented is sufficient.

65 11. If the certificate shows that the petition as supplemented is insufficient, no
66 action shall be taken on it; however, the petition shall remain on file.

67 12. If the election authority finds the signatures on the petition, together with the
68 supplementary petition sections, if any, to be sufficient, it shall submit its certificate as to
69 the sufficiency of the petition to the ambulance district board of directors prior to its next
70 meeting. The certificate shall contain:

- 71 (1) The name of the member whose recall is sought;
72 (2) The number of signatures required by law;
73 (3) The total number of signatures on the petition; and
74 (4) The number of valid signatures on the petition.

75 13. Following the ambulance district board's receipt of the certificate, the election
76 authority shall order an election to be held on one of the election days specified in section
77 115.123, RSMo. The election shall be held not less than forty-five days but not more than
78 one hundred twenty days from the date the ambulance district board receives the petition.
79 Nominations for board membership openings under this section shall be made by filing a
80 statement of candidacy with the election authority.

81 14. At any time prior to forty-two days before the election, the member sought to
82 be recalled may offer his or her resignation. If his or her resignation is offered, the recall
83 question shall be removed from the ballot and the office declared vacant. The member
84 who resigned shall not fill the vacancy, which shall be filled as otherwise provided by law.

85 **15. The provisions of chapter 115, RSMo, governing the conduct of elections shall**
86 **apply, where appropriate, to recall elections held under this section. The costs of the**
87 **election shall be paid as provided in chapter 115, RSMo.**

321.015. No person holding any lucrative office or employment under [this state, or] any
2 political subdivision thereof as defined in section 70.120, RSMo, shall hold the office of fire
3 protection district director under this chapter. When any fire protection district director accepts
4 any office or employment under [this state or] any political subdivision thereof, his office shall
5 thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as
6 fire protection district director. This section shall not apply to members of the organized militia,
7 of the reserve corps, public school employees and notaries public, or to fire protection districts
8 located wholly within counties of the second, third or fourth class or located within first class
9 counties not adjoining any other first class county, nor shall this section apply to any county of
10 the first or second class not having more than nine hundred thousand inhabitants which borders
11 any three first class counties; nor shall this section apply to any first class county without a
12 charter form of government which adjoins both a first class county with a charter form of
13 government with at least nine hundred thousand inhabitants, and adjoins at least four other
14 counties. The term "lucrative office or employment" does not include receiving retirement
15 benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed
16 seventy-five dollars for each day of service, for service rendered to a fire protection district[, the
17 state] or any political subdivision thereof.

321.200. 1. The board shall meet regularly, not less than once each month, at a time and
2 at some building in the district to be designated by the board. Notice of the time and place of
3 future regular meetings shall be posted continuously at the firehouse or firehouses of the district.
4 Additional meetings may be held, when the needs of the district so require, at a place regular
5 meetings are held, and notice of the time and place shall be given to each member of the board.
6 Meetings of the board shall be held and conducted in the manner required by the provisions of
7 chapter 610, RSMo. All minutes of meetings of the board and all other records of the fire
8 protection district shall be available for public inspection at the main firehouse within the district
9 by appointment with the secretary of the board within one week after a written request is made
10 between the hours of 8:00 a.m. and 5:00 p.m. every day except Sunday. A majority of the
11 members of the board shall constitute a quorum at any meeting and no business shall be
12 transacted unless a quorum is present. The board, acting as a board, shall exercise all powers of
13 the board, without delegation thereof to any other governmental or other body or entity or
14 association **except as provided in subsection 3 of this section**, and without delegation thereof
15 to less than a quorum of the board. Agents, employees, engineers, auditors, attorneys, [firemen]
16 **firefighters**, and any other member of the staff of the district may be employed or discharged

17 only by a board which includes at least two directors; but any board of directors may suspend
18 from duty any such person or staff member who willfully and deliberately neglects or refuses to
19 perform his or her regular functions.

20 2. Any vacancy on the board shall be filled by the remaining elected members of the
21 board, except when less than two elected members remain on the board any vacancy shall be
22 filled by the circuit court of the county in which all or a majority of the district lies. The
23 appointee or appointees shall act until the next biennial election at which a director or directors
24 are elected to serve the remainder of the unexpired term.

25 **3. Upon a majority vote of the board, the board may delegate such powers and**
26 **responsibilities granted in subdivisions (4), (6), (8), (9), and (11) of section 321.220, and**
27 **granted in subdivisions (4), (6), (8), (9), and (11) of section 321.600, to the fire chief as the**
28 **board deems appropriate for the efficient operation of the district. The board shall have**
29 **the power to rescind any delegation of power under this subsection by majority vote of the**
30 **board.**

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