

SECOND REGULAR SESSION

SENATE BILL NO. 760

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR YECKEL.

Pre-filed December 1, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

3041S.011

AN ACT

To repeal section 321.703, RSMo, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, relating to fire protection districts, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Section 321.703, RSMo, section 321.701 as enacted by senate substitute for senate committee substitute for house committee substitute for house bills nos. 452, 203, 377, 472, 473, 556 & 647, eighty-eighth general assembly, first regular session and section 321.701 as enacted by conference committee substitute for senate substitute no. 2 for house committee substitute for house bills nos. 484, 199 & 72, eighty-eighth general assembly, first regular session, are repealed and two new sections enacted in lieu thereof, to be known as sections 321.701 and 321.703, to read as follows:

321.701. 1. Each member of a fire protection district board shall be subject to recall from office by the registered voters of the district from which he was elected **if such board member commits acts of misconduct,**

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

malfesance or nonfesance relating to official board duties or is convicted of any felony or any class A or class B misdemeanor. Proceedings may be commenced for the recall of any fire protection district board member by the filing of a notice of intention to circulate a recall petition pursuant to sections 321.701 to 321.716 **by a registered voter or voters from such board member's district.**

2. Proceedings may not be commenced against any member if, at the time of commencement, that member:

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

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

(3) Has had a recall election determined in his favor within the current term of office.

[321.701. 1. Each member of a fire protection district board located in any county of the first classification with a population of nine hundred thousand or more inhabitants shall be subject to recall from office by the registered voters of the district from which he was elected. Proceedings may be commenced for the recall of any fire protection district board member by the filing of a notice of intention to circulate a recall petition pursuant to sections 321.701 to 321.716.

2. Proceedings may not be commenced against any member if, at the time of commencement, that member:

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

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

(3) Has had a recall election determined in his favor within the current term of office.]

321.703. 1. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115, RSMo. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:

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

(2) A **brief** statement[, not exceeding two hundred words in length,] of the

reasons for the proposed recall. **This statement must relate facts which constitute acts of misconduct, malfeasance or nonfeasance by the board member in the exercise of his or her official duties or which establish proof of a conviction for any felony or any class A or B misdemeanor;**

(3) The name(s) and [business or] residence address(es) of [at least one, and not more than five,] **all** proponent(s) of the recall, **each of whom shall be a registered voter in said district.**

2. Within seven days after the filing of the notice of intention, the board member may file with the election authority a statement, not exceeding two hundred words in length, [in] **an** answer to the statement of the proponents. If an answer is filed, the board member shall also serve a copy of it, personally or by certified mail, on one of the proponents named in the notice of intention.

3. The statement and answer are intended solely for the information of the voters. No insufficiency in form or substance thereof shall affect the validity of the election proceedings.

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Bill

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