

FIRST REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 214**  
**90TH GENERAL ASSEMBLY**

Reported from the Committee on Local Government and Related Matters, April 13, 1999, with recommendation that the House Committee Substitute for Senate Bill No. 214 Do Pass.

ANNE C. WALKER, Chief Clerk

L1062.02C

**AN ACT**

To repeal sections 77.240, 77.450 and 79.280, RSMo 1994, relating to vacancies in certain offices in third and fourth class cities, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 77.240, 77.450 and 79.280, RSMo 1994, are repealed and three new sections enacted in lieu thereof, to be known as sections 77.240, 77.450 and 79.280, to read as follows:

77.240. When any vacancy shall happen in the office of mayor, by death, resignation, removal from the city, removal from office, refusal to qualify or otherwise, [the president pro tem of the council shall act as mayor until the next regular election] **nominations of a successor may be made by any member of the council and selected with the consent of a majority of the members of the council**, except in counties of the first [class] **classification** with a charter form of government which have a population of at least nine hundred thousand inhabitants. **The council may adopt procedures to fill any such vacancy consistent with this section.** In the case of a temporary absence of the mayor or disability to perform the duties of his **or her** office, the president pro tem of the council shall perform the duties of mayor until the mayor shall return or such disability be removed; and during the time the president pro tem of the council shall act as mayor, [he] **the president pro tem** shall receive the same compensation that the mayor would be entitled to. In counties of the first [class] **classification** with a charter form of government and which do not contain a city with a population of at least four hundred thousand, in case of vacancy other than a temporary absence or disability, the person exercising the office of mayor shall cause a new election to be held; provided, when a vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy.

77.450. In counties of the first [class] **classification** with a charter form of government which have a population of at least nine hundred thousand inhabitants, if a vacancy occurs in any elective office, the mayor, or the person exercising the office of mayor, shall cause a special election to be held to fill such vacancy. When any such vacancy occurs within six months of a municipal election, no election shall be called to fill such vacancy, but the same shall be filled by the mayor or the person exercising the office of mayor by appointment. Any vacancy in the office

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

of councilman which occurs within the six months shall be filled by election, in such manner as may be provided by ordinance. In all other counties, if a vacancy occurs in any elective office **other than the office of mayor**, [the mayor, or the person exercising the office of mayor, shall recommend a person to fill the vacancy from the political party of the person who previously held the office. The council shall approve the person recommended by the mayor] **a successor to the vacant office shall be selected by appointment by the mayor with the advice and consent of a majority of the remaining members of the council. The council may adopt procedures to fill vacancies consistent with this section.** The successor shall serve until the next regular election. If a vacancy occurs in any office not elective, the mayor shall appoint a suitable person to discharge the duties of the same until the first regular meeting of the council thereafter, at which time the vacancy shall be permanently filled.

79.280. If a vacancy occurs in any elective office, the mayor or the person exercising the duties of the mayor shall cause a special meeting of the board of aldermen to convene where a successor to the vacant office shall be selected **by appointment by the mayor with the advice and consent of a majority of the remaining members of the board of aldermen. If the vacancy is in the office of mayor, nominations of a successor may be made by any member of the board of aldermen and selected with the consent of a majority of the members of the board of aldermen. The board of aldermen may adopt procedures to fill vacancies consistent with this section.** The successor shall serve until the next regular municipal election. If a vacancy occurs in any office not elective, the mayor shall appoint a suitable person to discharge the duties of such office until the first regular meeting of the board of aldermen thereafter, at which time such vacancy shall be permanently filled.