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WATER SUPPLY DISTRICTS:
VACANCIES:

The three remaining members of the Board of Directors of the St. Louis County Water Supply District No. 2 should call a special election to fill the vacancies caused by the resignation of two members more than six months prior to the expiration of their terms.

OPINION NO. 65

FILED
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January 30, 1969

Honorable John J. Johnson
State Senator - 15th District
Missouri Senate
State Capitol Building
Jefferson City, Missouri 65101

Dear Senator Johnson:

This is in response to your request for an opinion as to whether the three remaining members of the Board of Directors of the St. Louis County Water Supply District No. 2 can fill the vacancies caused by the resignation of two directors more than six months prior to the expiration of their terms of office or whether they should call a special election to fill the vacancies.

Section 247.060, RSMo 1959, provides that:

". . . Vacancies in offices of board members shall be filled for the unexpired term by the remaining members of the board; provided, should any vacancy occur more than six months prior to the expiration of the term in which no vacancy occurs, the board shall call a special election to fill the vacancy." (Emphasis added)

It is our feeling that the legislative intent with respect to the proviso is quite clear, i.e., a special election should be called to fill a vacancy which occurs more than six months prior to the expiration of the vacant term. The use of the word "no" in the proviso is a misprint, probably put in inadvertently by the draftsman and never detected in subsequent revisions. In order for the proviso to make any sense, the word "the" must be substituted for the word "no."

The statute, as presently written, cannot be given a rational interpretation. The use of the word "no" in the proviso makes the

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proviso absurd. However, the normal presumption in statutory construction is that the legislature did not intend to enact an absurd law, State ex rel American Mfg. Co. v. Koeln, 278 Mo. 28, 211 S.W. 31, 33 (1919). In construing the statute, the basic rule to be followed is to seek the intention of the lawmakers from the words used in the statute, and to give significance and effect to every word, phrase, sentence, and part thereof, if in keeping with that intent. State ex rel Jones v. Ralston Purina Company, Mo., 358 S.W.2d 772, 777 (1962). The courts will correct verbal inaccuracies or clerical errors in statutes whenever necessary to carry out the intention of the legislature. State ex rel American Mfg. Co. v. Koeln, 278 Mo. 28, 211 S.W. 31, 33 (1919).

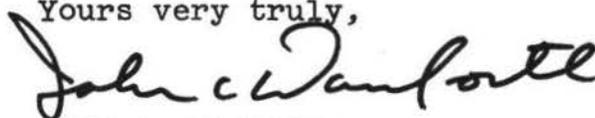
Therefore, in view of the obvious legislative intent here, it is our opinion that Section 247.060, RSMo 1959, should be read as if the proviso said "the vacancy." If a vacancy occurs on the board more than six months before the expiration of the term in which the vacancy occurs, a special election should be held to fill the vacancy.

CONCLUSION

It is our official opinion that the three remaining members of the Board of Directors of the St. Louis County Water Supply District No. 2 should call a special election to fill the vacancies caused by the resignation of two members more than six months prior to the expiration of their terms.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Richard L. Wieler.

Yours very truly,



JOHN C. DANFORTH
Attorney General