

FIRST REGULAR SESSION

HOUSE BILL NO. 508

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALTON, HOSKINS AND PARKER (Co-sponsors).

Read 1st time February 19, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0242L.021

AN ACT

To amend chapter 321, RSMo, by adding thereto three new sections relating to fire protection district directors and firefighter employers and employees.

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

Section A. Chapter 321, RSMo, is amended by adding thereto three new sections, to be
2 known as sections 321.731, 321.732, and 321.733, to read as follows:

321.731. 1. Notwithstanding any other provision of the law to the contrary, in any
2 fire protection district which is located within, or which adjoins a fire protection district
3 in which is located within, in whole or in part, a street light maintenance district with a
4 population of less than five thousand inhabitants, and that is located in any county with
5 a charter form of government and with more than one million inhabitants, the board of
6 election commissioners of such county shall establish subdistricts, equivalent to the number
7 of directors, for the purpose of electing directors of such district. The subdistrict
8 boundaries shall be drawn, after notice and hearing, by the commissioners within sixty
9 days after August 28, 2003, and within six months after each decennial census is reported
10 to the President of the United States. In the event the board of election commissioners is
11 unable to agree on the subdistrict boundaries by the deadlines established in this section,
12 the governing body of the county shall, sitting as an apportionment commission, draw the
13 boundaries within sixty days of the failure of the board of election commissioners to do so.
14 Subdistrict boundaries drawn by the governing body of the county shall not be subject to
15 veto by the chief executive of the county. The commissioners shall apportion the
16 subdistricts by dividing the population, determined by the preceding decennial census, of
17 the district by the number of directors and shall establish each subdistrict so that the
18 population of that subdistrict shall, as nearly as possible, equal that figure or be within one

19 percent thereof. Each subdistrict shall be composed of contiguous territory as compact as
20 may be.

21 **2. All board members elected or appointed in such district shall be elected or**
22 **appointed to represent one of the subdistricts, beginning with the first general municipal**
23 **election or vacancy occurring after August 28, 2003. Each member shall reside for one**
24 **year prior to the date of his or her election in the subdistrict from which he or she is**
25 **elected, or in the case of a vacancy, the subdistrict from which he or she is appointed; and**
26 **shall forfeit their office if they remove their residence from the subdistrict. Such vacancy**
27 **may be declared and the office filled by the remaining members of the board as provided**
28 **by law.**

29 **3. Elected members of the board in office on August 28, 2003, shall hold office for**
30 **the length of the term for which they were elected, and until their successors are elected**
31 **and qualified, and any members appointed to fill vacancies in office occurring after August**
32 **28, 2003, shall serve until the next general municipal election, at which time a successor**
33 **shall be elected to serve for the remainder of the term to which the replaced member was**
34 **elected.**

35 **4. If a vacancy occurs subsequent to the eleventh Tuesday but prior to the sixth**
36 **Tuesday, prior to the general municipal election, notice of election to fill such a vacancy**
37 **shall be given, within two days after said vacancy arises but not later than the sixth**
38 **Tuesday prior to the general municipal election; and declarations of candidacy, to fill such**
39 **a vacancy, shall be received for a period of five business days, between 8:00 a.m. and 5:00**
40 **p.m., after said notice is given, but not later than the fifth Tuesday prior to the general**
41 **municipal election, and the names of the candidates shall be certified to the election**
42 **authority not later than two days following the closing date for filing. Notice of election,**
43 **declaration of candidacy, and certification to the election authority of any vacancies**
44 **occurring at any other times shall be filed as otherwise provided by law.**

45 **5. At the first general municipal election to occur after August 28, 2003, the**
46 **elections for the seats of any expiring terms or appointed terms, as provided herein, of**
47 **at-large board members shall be filled by persons elected from the lowest-numbered**
48 **subdistricts, as those subdistricts are created and numbered by the board of election**
49 **commissioners. The second such general municipal election shall be for the**
50 **lowest-numbered subdistricts not filled at the prior election, and the third such election**
51 **shall be for the remaining subdistricts not filled at the prior two elections.**

52 **6. The law governing fire protection districts shall continue to apply to any district**
53 **described in this section, except as expressly provided in this section.**

321.732. No employee of any fire protection district, municipal fire department, or

2 other public employer of firefighters shall engage in any electioneering or any political
3 activity while on duty or while wearing a uniform or official insignia identifying the
4 employee as an employee of the fire protection district, municipal fire department, or other
5 public employer of firefighters, nor shall the employee use any fire protection equipment
6 while electioneering or engaging in any political activity. Violation of this section shall be
7 a class four election offense punishable under section 115.637, RSMo, and may result in
8 forfeiture of employment.

321.733. 1. Any firefighter who graduates from any accredited fire academy in the
2 state and who is certified by the division of fire safety shall be eligible for employment as
3 a firefighter in any fire protection district, municipal fire department, or other public
4 employer of firefighters in the state. No fire protection district, municipal fire department,
5 or other public employer of firefighters shall require any such firefighter to attend and
6 graduate again from an accredited firefighting academy as a condition of employment with
7 the district, municipal fire department, or other public employer of firefighters.

8 2. This section shall not be construed to prohibit a fire protection district,
9 municipal fire department, or other public employer of firefighters, in order to maintain
10 and improve firefighting skills as a condition of employment or continued employment,
11 from establishing uniform minimum continuing education and training standards, nor
12 from requiring any employee or prospective employee to complete continuing fire
13 academy, special, or other accredited education or training nor from requiring on-the-job
14 continuing education and training.