

FIRST REGULAR SESSION

HOUSE BILL NO. 380

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WALTON (Sponsor), OXFORD, RUPP, HUNTER, BROWN (30),
QUINN, VIEBROCK, STEVENSON AND PORTWOOD (Co-sponsors).

Read 1st time January 27, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1245L.011

AN ACT

To repeal sections 321.130 and 321.200, RSMo, and to enact in lieu thereof three new sections relating to fire protection districts.

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

Section A. Sections 321.130 and 321.200, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 321.130, 321.200, and 321.715, to read as
3 follows:

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district
2 at least two years before the election or appointment and be over the age of twenty-five years;
3 except as provided in subsections 2 [and 3], **3 and 5** of this section. Nominations and
4 declarations of candidacy shall be filed at the headquarters of the fire protection district by
5 paying a ten dollar filing fee and filing a statement under oath that such person possesses the
6 required qualifications.

7 2. In any fire protection district located in more than one county one of which is a first
8 class county without a charter form of government having a population of more than one hundred
9 ninety-eight thousand and not adjoining any other first class county or located wholly within a
10 first class county as described herein, a resident shall have been a resident of the district for more
11 than one year to be qualified to serve as a director.

12 3. In any fire protection district located in a county of the third or fourth classification,
13 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall
14 be a voter of the district for more than two years before the election or appointment, except that

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.

15 for the first board of directors in such district, a person need only be a voter of the district for one
16 year before the election or appointment.

17 4. A person desiring to become a candidate for the first board of directors of the
18 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and
19 shall file with the election authority a statement under oath that such person possesses all of the
20 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such
21 candidate shall have the candidate's name placed on the ballot as a candidate for director.

22 **5. (1) Notwithstanding any other provision of law to the contrary, in any fire**
23 **protection district located in any county with a charter form of government and with more**
24 **than one million inhabitants or any county adjoining such a county, the election authority**
25 **of such county shall establish wards, equivalent to the number of directors, for the purpose**
26 **of electing directors of such district. The ward boundaries shall be drawn, after notice and**
27 **hearing, by the election authority within sixty days after August 28, 2005, or after the**
28 **establishment of any such fire protection district, or after the merger of any such fire**
29 **protection district with any other fire protection district and, thereafter, within six months**
30 **after each decennial census is reported to the President of the United States. In the event**
31 **the election authority is unable to agree on the ward boundaries by the deadlines**
32 **established in this section, the county commission shall, sitting as an apportionment**
33 **commission, draw the boundaries within sixty days of the failure of the election authority**
34 **to do so. Ward boundaries drawn by the county commission shall not be subject to veto**
35 **by the chief executive of the county. The election authority or commissioners shall**
36 **apportion the wards by dividing the population, determined by the preceding decennial**
37 **census, of the district by the number of directors and shall establish each ward so that the**
38 **population of each ward shall, as nearly as possible, equal that figure or be within two**
39 **percent thereof. Each ward shall be composed of contiguous territory as compact as may**
40 **be.**

41 (2) All board members shall be elected by the voters of the ward from which the
42 member is elected to represent. All board members elected or appointed in such district
43 shall be elected or appointed to represent one of the wards, beginning with the first general
44 municipal election or vacancy occurring after such wards are established. Each member
45 shall reside for one year prior to the date of his or her election in the ward from which the
46 member is elected, or in the case of a vacancy, the ward from which the member is
47 appointed. A member shall forfeit his or her office if such member removes his or her
48 residence from the ward. Such vacancy may be declared and the office filled as provided
49 by law.

50 (3) Elected members of the board in office after such wards are established shall

51 **hold office for the length of the term for which they were elected, and until their successors**
52 **are elected and qualified, and any members appointed to fill vacancies in office occurring**
53 **after such wards are established shall serve until the next general municipal election, at**
54 **which time a successor shall be elected to serve for the remainder of the term to which the**
55 **replaced member was elected.**

56 **(4) If a vacancy occurs subsequent to the eleventh Tuesday but prior to the sixth**
57 **Tuesday prior to the general municipal election, notice of election to fill such a vacancy**
58 **shall be given within two business days after such vacancy arises but no later than the sixth**
59 **Tuesday prior to the general municipal election. Declarations of candidacy to fill such a**
60 **vacancy shall be received for a period of five business days between 8:00 a.m. and 5:00 p.m.**
61 **after such notice is given, but not later than the fifth Tuesday prior to the general**
62 **municipal election. The names of the candidates shall be certified to the election authority**
63 **not later than two business days following the closing date for filing but not later than the**
64 **fourth Tuesday prior to the general municipal election. Notice of election, declaration of**
65 **candidacy, and certification to the election authority of any vacancies occurring at any**
66 **other times shall be filled as otherwise provided by law.**

67 **(5) At the first general municipal election to occur after such wards are established,**
68 **the elections for the seats of any expiring terms or appointed terms, as provided herein, of**
69 **at-large board members shall be filled by persons elected from the lowest-numbered wards,**
70 **as such wards are created and numbered by the election authority. The second such**
71 **general municipal election shall be for the lowest-numbered wards not filled at the prior**
72 **election, and the third such election shall be for the remaining wards not filled at the prior**
73 **elections.**

74 **(6) The law governing fire protection districts shall continue to apply to any district**
75 **described in this subsection, except as expressly provided in this subsection.**

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, and without delegation thereof to less than a quorum of the board.

15 **2. Except as provided in subsection 3 of this section,** agents, employees, engineers,
16 auditors, attorneys, [firemen] **firefighters** and any other member of the staff of the district may
17 be employed or discharged **at will** only by a board which includes at least two directors; but any
18 board of directors may suspend from duty any such person or staff member who willfully and
19 deliberately neglects or refuses to perform his or her regular functions.

20 **[2.] 3. In any county with a charter form of government and with more than one**
21 **million inhabitants or in any county adjoining such a county, any full-time salaried**
22 **employees shall serve while they shall faithfully perform their duties and possess mental**
23 **and physical ability; provided that, one year or more after the date of their initial**
24 **appointment, they shall be subject to removal only for cause after a hearing by the board,**
25 **which is hereby invested with the original jurisdiction in the premises. Any full-time**
26 **salaried employee terminated by the board may appeal such removal to the circuit court**
27 **as provided in sections 536.100 to 536.140, RSMo.**

28 **4. Any firefighter who graduates from any taxpayer-supported fire academy in this**
29 **state and who is certified by the division of fire safety shall be eligible for employment as**
30 **a firefighter in any fire protection district, municipal fire department, or other public**
31 **employer of firefighters in the state. No public authority having the power to establish**
32 **firefighter qualifications, training, or education standards, or fire protection district,**
33 **municipal fire department, or other public employer of firefighters shall require any such**
34 **firefighter to attend and graduate again from an additional firefighting academy as a**
35 **condition of employment with the district, municipal fire department, or other public**
36 **employer of firefighters.**

37 **5. Subsection 4 of this section shall not be construed to prohibit a public authority,**
38 **fire protection district, municipal fire department, or other public employer of firefighters**
39 **in order to maintain and improve firefighting skills as a condition of employment or**
40 **continued employment from establishing uniform minimum continuing education and**
41 **training standards, or from requiring any employee or prospective employee to complete**
42 **continuing fire academy, special, or other accredited education or training, or from**
43 **requiring on-the-job continuing education and training.**

44 **6. Any vacancy on the board shall be filled by the remaining [elected] members of the**
45 **board, except when less than two [elected] members remain on the board any vacancy shall be**
46 **filled by the [circuit court] county executive or if there is no executive then the presiding**
47 **commissioner** of the county in which all or a majority of the district lies. The appointee or

48 appointees shall act until the next [biennial] **general municipal** election at which a director or
49 directors are elected to serve the remainder of the unexpired term.

**321.715. 1. No employee of any fire protection district, municipal fire department,
2 or other public employer of firefighters shall contribute any moneys, or engage in any
3 electioneering or political activity in support of or in opposition to any candidate for
4 election to a fire protection district board or a municipal office in any municipality that
5 operates a municipal fire department, or in support of or in opposition to any fire
6 protection district or municipal tax, ballot issue or question.**

**7 2. No employee of any fire protection district, municipal fire department, or other
8 public employer of firefighters shall engage in any electioneering or any political activity
9 while on duty or while wearing a uniform or official insignia identifying the employee as
10 an employee of the fire protection district, municipal fire department, or other public
11 employer of firefighters, or use any fire protection equipment while electioneering or
12 engaging in any political activity.**

**13 3. No moneys, the source of which is firefighter contributions, shall be contributed
14 or expended in support of or in opposition to any ballot issue or candidate, except that such
15 moneys are contributed by the firefighter to a committee organized to support or oppose
16 candidates or ballot issues in accordance with chapter 130, RSMo.**

**17 4. Any person who violates the provisions of this section is guilty of a class four
18 election offense punishable under section 115.637, RSMo, and may result in forfeiture of
19 employment.**