

SECOND REGULAR SESSION

HOUSE BILL NO. 1458

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HINSON (Sponsor) AND GATSCHENBERGER (Co-sponsor).

5451L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 320.202, 321.130, 321.460, and 321.711, RSMo, and to enact in lieu thereof four new sections relating to emergency services.

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

Section A. Sections 320.202, 321.130, 321.460, and 321.711, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 320.202, 321.130, 321.460, and 321.711, to read as follows:

320.202. 1. There is hereby established within the department of public safety a "Division of Fire Safety", which shall have as its chief executive officer the fire marshal appointed under section 320.205. The fire marshal and the division shall be responsible for:

(1) The voluntary training of firefighters, investigators, inspectors, and public or private employees or volunteers in the field of emergency response, rescue, fire prevention or preparedness;

(2) Establishing and maintaining a statewide reporting system, which shall, as a minimum, include the records required by section 320.235 and a record of all fires occurring in Missouri showing:

(a) The name of all owners of personal and real property affected by the fire;

(b) The name of each occupant of each building in which a fire occurred;

(c) The total amount of insurance carried by, the total amount of insurance collected by, and the total amount of loss to each owner of property affected by the fire; and

(d) All the facts, statistics and circumstances, including, but not limited to, the origin of the fire, which are or may be determined by any investigation conducted by the division or any

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.

16 local firefighting agency under the laws of this state. All records maintained under this
17 subdivision shall be open to public inspections during all normal business hours of the division;

18 (3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;

19 (4) Conducting all fire inspections required of any private premises in order for any
20 license relating to such private premises to be issued under any licensing law of this state, except
21 those organizations and institutions licensed pursuant to chapter 197;

22 (5) Establishing and maintaining a voluntary training and certification program based
23 upon nationally recognized standards. A certification testing fee and recertification fee shall be
24 established by promulgated rules and regulations by the state fire marshal under the provisions
25 of section 536.024.

26 Fees collected shall be deposited into the [general revenue] **fire education fund established in**
27 **section 320.094.**

28 2. The state fire marshal shall exercise and perform all powers and duties necessary to
29 carry out the responsibilities imposed by subsection 1 of this section, including, but not limited
30 to, the power to contract with any person, firm, corporation, state agency, or political subdivision
31 for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this
32 section.

33 3. The state fire marshal shall have the authority to promulgate rules and regulations
34 under the provisions of section 536.024 to carry out the provisions of this section.

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district
2 at least one year before the election or appointment and be over the age of twenty-five years;
3 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of
4 such fire protection district. In the event the person is no longer a resident of the district, the
5 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.
6 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection
7 district by paying a ten dollar filing fee and filing a statement under oath that such person
8 possesses the required qualifications.

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

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

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

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

24 **5. Any director who has been found guilty of or pled guilty to any felony offense**
25 **shall immediately forfeit his or her office.**

321.460. 1. Two or more fire protection districts may consolidate with each other in the
2 manner hereinafter provided, and only if the districts have one or more common boundaries, in
3 whole or in part, **or are located within the same county, in whole or in part**, as to any
4 respective two of the districts which are so consolidating.

5 2. By a majority vote of each board of directors of each fire protection district included
6 within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan
7 shall include the name of the proposed consolidated district, the legal description of the
8 boundaries of each district to be consolidated, and a legal description of the boundaries of the
9 consolidated district, the amount of outstanding bonds, if any, of each district proposed to be
10 consolidated, a listing of the firehouses within each district, and the names of the districts to be
11 consolidated.

12 3. Each board of the districts approving the plan for proposed consolidation shall duly
13 certify and file in the office of the clerk of the circuit court of the county in which the district is
14 located a copy of the plan of consolidation, bearing the signatures of those directors who vote
15 in favor thereof, together with a petition for consolidation. The petition may be made jointly by
16 all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall
17 be deposited with the clerk, on the filing of the petition, against the costs of court.

18 4. The circuit court sitting in and for any county to which the petition is presented is
19 hereby vested with jurisdiction, power and authority to hear the same, and to approve the
20 consolidation and order such districts consolidated, after holding an election, as hereinafter
21 provided.

22 5. If the circuit court finds the plan for consolidation to have been duly approved by the
23 respective boards of directors of the fire protection districts proposed to be consolidated, then
24 the circuit court shall enter its order of record, directing the submission of the question.

25 6. The order shall direct publication of notice of election, and shall fix the date thereof.
26 The order shall direct that the elections shall be held to vote on the proposition of consolidating
27 the districts and to elect three persons, having the qualifications declared in section 321.130 and

28 being among the then directors of the districts proposed to be consolidated, to become directors
29 of the consolidated district.

30 7. The question shall be submitted in substantially the following form:

31 Shall the Fire Protection Districts and the Fire Protection District be consolidated
32 into one fire protection district to be known as the Fire Protection District, with tax levies not
33 in excess of the following amounts: maintenance fund cents per one hundred dollars
34 assessed valuation; ambulance service cents per one hundred dollars assessed valuation;
35 pension fund cents per one hundred dollars assessed valuation; and dispatching fund
36 cents per one hundred dollars assessed valuation?

37 8. If, upon the canvass and declaration, it is found and determined that a majority of the
38 voters of the districts voting on the proposition or propositions have voted in favor of the
39 proposition to incorporate the consolidated district, then the court shall then further, in its order,
40 designate the first board of directors of the consolidated district, who have been elected by the
41 voters voting thereon, the one receiving the third highest number of votes to hold office until the
42 first Tuesday in April which is more than one year after the date of election, the one receiving
43 the second highest number of votes to hold office until two years after the first Tuesday
44 aforesaid, and the one receiving the highest number of votes until four years after the first
45 Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the
46 court, in its order, shall also declare the results of the votes thereon. If the court shall find and
47 determine, upon the canvass and declaration, that a majority of the voters of the consolidated
48 district have not voted in favor of the proposition to incorporate the consolidated district, then
49 the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss
50 the same at the cost of petitioners.

321.711. 1. A recall petition shall be filed with the election authority not more than one
2 hundred eighty days after the filing of the notice of intention.

3 2. The number of qualified signatures required in order to recall an officer shall be equal
4 in number to at least [twenty-five] **fifteen** percent of the number of voters who voted in the most
5 recent gubernatorial election in that district.

6 3. Within twenty days from the filing of the recall petition the election authority shall
7 determine whether or not the petition was signed by the required number of qualified signatures.
8 The election authority shall file with the petition a certificate showing the results of the
9 examination. The authority shall give the proponents a copy of the certificate upon their request.

10 4. If the election authority certifies the petition to be insufficient, it may be supplemented
11 within ten days of the date of certificate by filing additional petition sections containing all of
12 the information required by section 321.709 and this section. Within ten days after the

13 supplemental copies are filed, the election authority shall file with it a certificate stating whether
14 or not the petition as supplemented is sufficient.

15 5. If the certificate shows that the petition as supplemented is insufficient, no action shall
16 be taken on it; however, the petition shall remain on file.

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