

FIRST REGULAR SESSION

# HOUSE BILL NO. 1057

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE RODEN.

2048H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal sections 320.097, 321.017, and 321.200, RSMo, and to enact in lieu thereof five new sections relating to requirements of public safety personnel.

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

Section A. Sections 320.097, 321.017, and 321.200, RSMo, are repealed and five new sections enacted in lieu thereof, to be known as sections 320.097, 320.098, 321.017, 321.200, and 590.025, to read as follows:

320.097. 1. As used in this section, "fire department" means any agency or organization that provides fire suppression and related activities, including but not limited to fire prevention, rescue, emergency medical services, hazardous material response, dispatching, or special operations to a population within a fixed and legally recorded geographical area.

2. No employee of a fire department who has worked for seven years for such department shall, as a condition of employment, be required to reside within a fixed and legally recorded geographical area of the fire department if the only public school district available to the employee within such fire department's geographical area is a public school district that is or has been unaccredited or provisionally accredited in the last five years of such employee's employment. Employees who have satisfied the seven-year requirement in this subsection and who choose to reside outside the geographical boundaries of the department shall reside within a one-hour response time. No charter school shall be deemed a public school for purposes of this section.

3. No employee of a fire department who has not resided in such fire department's fixed and legally recorded geographical area, or who has changed such employee's residency because of conditions described in subsection 2 of this section, shall as a condition of employment be

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.

17 required to reside within the fixed and legally recorded geographical area of the fire department  
18 if such school district subsequently becomes fully accredited.

19 **4. No employee of a fire department who does not receive a salary shall be required**  
20 **to live in a fire department's fixed and legally recorded geographical area.**

**320.098. No county shall require attendance at a specific training academy by any**  
2 **candidate for a firefighter position but may require a specific certification from any**  
3 **training academy.**

321.017. 1. Notwithstanding the provisions of section 321.015, no employee of any fire  
2 protection district or ambulance district shall serve as a member of any fire district or ambulance  
3 district board while such person is employed by any fire district or ambulance district, except that  
4 an employee of a fire protection district or an ambulance district may serve as a member of a  
5 voluntary fire protection district board or a voluntary ambulance district board.

6 2. Notwithstanding any other provision of law to the contrary, individual board members  
7 shall not be eligible for employment by the board within twelve months of termination of service  
8 as a member of the board unless such employment is on a volunteer basis or without  
9 compensation.

10 **3. Notwithstanding any provision of law to the contrary, no fire protection district**  
11 **or ambulance district shall require an employee who does not receive a salary to live within**  
12 **the district.**

321.200. 1. Except as otherwise provided in subsection 3 **of this section**, the board shall  
2 meet regularly, not less than once each month, at a time and at some building in the district to  
3 be designated by the board. Notice of the time and place of future regular meetings shall be  
4 posted continuously at the firehouse or firehouses of the district. Additional meetings may be  
5 held, when the needs of the district so require, at a place regular meetings are held, and notice  
6 of the time and place shall be given to each member of the board. Meetings of the board shall  
7 be held and conducted in the manner required by the provisions of chapter 610. All minutes of  
8 meetings of the board and all other records of the fire protection district shall be available for  
9 public inspection at the main firehouse within the district by appointment with the secretary of  
10 the board within one week after a written request is made between the hours of 8:00 a.m. and  
11 5:00 p.m. every day except Sunday. A majority of the members of the board shall constitute a  
12 quorum at any meeting and no business shall be transacted unless a quorum is present. The  
13 board, acting as a board, shall exercise all powers of the board, without delegation thereof to any  
14 other governmental or other body or entity or association, and without delegation thereof to less  
15 than a quorum of the board. Agents, employees, engineers, auditors, attorneys, firemen and any  
16 other member of the staff of the district may be employed or discharged only by a board which  
17 includes at least two directors; but any board of directors may suspend from duty any such person

18 or staff member who willfully and deliberately neglects or refuses to perform his or her regular  
19 functions.

20         2. Any vacancy on the board shall be filled by the remaining elected members of the  
21 board, except when less than two elected members remain on the board any vacancy shall be  
22 filled by the circuit court of the county in which all or a majority of the district lies. The  
23 appointee or appointees shall act until the next biennial election at which a director or directors  
24 are elected to serve the remainder of the unexpired term.

25         3. Notwithstanding any provision of sections 610.015 and 610.020 to the contrary, when  
26 Missouri Task Force One or any Urban Search and Rescue Task Force is activated for  
27 deployment by the federal emergency management agency, state emergency management agency,  
28 or statewide mutual aid, a quorum of the board of directors of the affiliated fire protection district  
29 may meet in person, via telephone, facsimile, internet, or any other voice or electronic means,  
30 without public notice, in order to authorize by roll call vote the disbursement of funds necessary  
31 for the deployment.

32         4. In the event action is necessary under subsection 3 of this section, the board of  
33 directors of the affiliated fire protection district shall keep minutes of the emergency meeting and  
34 disclose during the next regularly scheduled meeting of the board that the emergency meeting  
35 was held, the action that precipitated calling the emergency meeting without notice, and that the  
36 minutes of the emergency meeting are available as a public record of the board.

37         **5. Members of a fire district or ambulance district board of directors shall only**  
38 **receive compensation for meetings the member attended. If multiple meetings occur on the**  
39 **same day, members shall not receive compensation for more than one meeting.**

**590.025. No law enforcement agency shall require an employee who does not**  
2 **receive a salary to live within a jurisdiction more specific than this state.**

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