

SECOND REGULAR SESSION

# HOUSE BILL NO. 785

92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE WALTON.

Pre-filed December 1, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2433L.021

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## AN ACT

To amend chapter 321, RSMo, by adding thereto two new sections relating to fire protection.

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

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

**321.731. 1. Notwithstanding any other provision of the law to the contrary, in any fire protection district which is located within, or which adjoins a fire protection district in which is located within, in whole or in part, a street light maintenance district with a population of less than six thousand inhabitants, and that is located in any county with a charter form of government and with more than one million inhabitants, the board of election commissioners of such county shall establish wards, equivalent to the number of directors, for the purpose of electing directors of such district. The ward boundaries shall be drawn, after notice and hearing, by the commissioners within sixty days after August 28, 2004, or after the establishment of any such fire protection district, or after the merger of any such fire protection district with any other fire protection district and within six months after each decennial census is reported to the President of the United States. In the event the board of election commissioners is unable to agree on the ward boundaries by the deadlines established in this section, the governing body of the county shall, sitting as an apportionment commission, draw the boundaries within sixty days of the failure of the board of election commissioners to do so. Ward boundaries drawn by the governing body of the county shall not be subject to veto by the chief executive of the county. The commissioners shall apportion the wards by dividing the population, determined by the preceding decennial census, of the district by the number of directors and shall establish each ward so that the population of each ward shall, as nearly as possible, equal that figure**

20 or be within two percent thereof. Each ward shall be composed of contiguous territory as  
21 compact as may be.

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

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

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

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

55         **6. The law governing fire protection districts shall continue to apply to any district**

56 described in this section, except as expressly provided in this section.

2           **321.732. No employee of any fire protection district, municipal fire department, or**  
3 **other public employer of firefighters shall engage in any electioneering or any political**  
4 **activity while on duty or while wearing a uniform or official insignia identifying the**  
5 **employee as an employee of the fire protection district, municipal fire department, or other**  
6 **public employer of firefighters, nor shall the employee use any fire protection equipment**  
7 **while electioneering or engaging in any political activity. Violation of this section shall be**  
8 **a class four election offense punishable under section 115.637, RSMo, and may result in**  
**forfeiture of employment.**