

FIRST REGULAR SESSION

HOUSE BILL NO. 444

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SMITH (14).

Read 1st time February 3, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1170L.011

AN ACT

To repeal sections 321.120, 321.190, and 321.603, RSMo, and to enact in lieu thereof four new sections relating to fire protection districts.

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

Section A. Sections 321.120, 321.190, and 321.603, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 66.411, 321.120, 321.190, and 321.603, to read as follows:

66.411. No county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants shall initiate, perform, or pursue any act, action, or proceeding to consolidate, dissolve, eliminate, merge, or terminate a municipal fire protection district of any home rule city with more than sixty thousand three hundred but fewer than sixty thousand four hundred inhabitants.

321.120. 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

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

Shall there be incorporated a fire protection district?

YES NO

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.

10 3. The proposition of electing the first board of directors or the election of subsequent
11 directors may be submitted on a separate ballot or on the same ballot which contains any other
12 proposition of the fire protection district. The ballot to be used for the election of a director or
13 directors shall be substantially in the following form:

14 OFFICIAL BALLOT

15 Instruction to voters:

16 Place a cross (X) mark in the square opposite the name of the candidate or candidates you
17 favor. (Here state the number of directors to be elected and their term of office.)

18 ELECTION

19 (Here insert name of district.) Fire Protection District. (Here insert date of election.)

20 FOR BOARD OF DIRECTORS

- 21
- 22
- 23

24 4. If a majority of the voters voting on the proposition or propositions voted in favor of
25 the proposition to incorporate the district, then the court shall enter its further order declaring the
26 decree of incorporation to be final and conclusive. In the event, however, that the court finds that
27 a majority of the voters voting thereon voted against the proposition to incorporate the district,
28 then the court shall enter its further order declaring the decree of incorporation to be void and
29 of no effect. If the court enters an order declaring the decree of incorporation to be final and
30 conclusive, it shall at the same time designate the first board of directors of the district who have
31 been elected by the voters voting thereon. If a board of three members is elected, the person
32 receiving the third highest number of votes shall hold office for a term of two years, the person
33 receiving the second highest number of votes shall hold office for a term of four years, and the
34 person receiving the highest number of votes shall hold office for a term of six years from the
35 date of the election of the first board of directors and until their successors are duly elected and
36 qualified. **Any successor elected and qualified in the year 2006 or 2007 shall hold office for**
37 **a term of five years and until his or her successor is duly elected and qualified. Thereafter,**
38 **members of the board shall be elected to serve terms of four years and until their**
39 **successors are duly elected and qualified.** If a board of five members is elected, the person
40 who received the highest number of votes shall hold office for a term of six years, the persons
41 who received the second and third highest numbers of votes shall hold office for terms of four
42 years and the persons who received the fourth and fifth highest numbers of votes shall hold office
43 for terms of two years and until their successors are duly elected and qualified. Thereafter,
44 members of the board shall be elected to serve terms of [six] **four** years and until their successors
45 are duly elected and qualified. The court shall at the same time enter an order of record declaring

46 the result of the election on the proposition, if any, to incur bonded indebtedness.

47 5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary,
48 upon a motion by the board of directors in districts where there are three-member boards, and
49 upon approval by the voters in the district, the number of directors may be increased to five,
50 except that in any county of the first classification with a population of more than nine hundred
51 thousand inhabitants such increase in the number of directors shall apply only in the event of a
52 consolidation of existing districts. The ballot to be used for the approval of the voters to increase
53 the number of members on the board of directors of the fire protection district shall be
54 substantially in the following form:

55 Shall the number of members of the board of directors of the (Insert
56 name of district) Fire Protection District be increased to five members?

57 YES NO

58

59 If a majority of the voters voting on the proposition vote in favor of the proposition then at the
60 next election of board members after the voters vote to increase the number of directors, the
61 voters shall select two persons to act in addition to the existing three directors as the board of
62 directors. The court which entered the order declaring the decree of incorporation to be final
63 shall designate the additional board of directors who have been elected by the voters voting
64 thereon as follows: the one receiving the second highest number of votes to hold office for a
65 term of four years, and the one receiving the highest number of votes to hold office for a term
66 of six years from the date of the election of such additional board of directors and until their
67 successors are duly elected and qualified. [Thereafter, members of the board shall be elected to
68 serve terms of six years and until their successors are] **Members of the board elected after
69 August 28, 2005, shall serve terms of four years and until their successors are duly elected
70 and qualified; however, any member serving a six-year term as of August 28, 2005, shall
71 serve the remainder of the six-year term and until his or her successor is duly elected and
72 qualified.**

73 6. Members of the board of directors in office on the date of an election pursuant to
74 subsection 5 of this section to elect additional members to the board of directors shall serve the
75 term to which they were elected or appointed and until their successors are elected and qualified.

321.190. Each member of the board may receive an attendance fee not to exceed one
2 hundred dollars for attending each regularly called board meeting, or special meeting, but shall
3 not be paid for attending more than two in any calendar month, except that in a county of the first
4 class having a charter form of government, he shall not be paid for attending more than four in
5 any calendar month. **However, no board member shall be paid more than one attendance
6 fee if such member attends more than one board meeting in a calendar week.** In addition,

7 the chairman of the board of directors may receive fifty dollars for attending each regularly or
8 specially called board meeting, but shall not be paid the additional fee for attending more than
9 two meetings in any calendar month. Each member of the board shall be reimbursed for his
10 actual expenditures in the performance of his duties on behalf of the district. The secretary and
11 the treasurer, if members of the board of directors, may each receive such additional
12 compensation for the performance of their respective duties as secretary and treasurer as the
13 board shall deem reasonable and necessary, not to exceed one thousand dollars per year. The
14 circuit court having jurisdiction over the district shall have power to remove directors or any of
15 them for good cause shown upon a petition, notice and hearing.

321.603. In addition to the compensation provided pursuant to section 321.190 for fire
2 protection districts located in a county of the first classification with a charter form of
3 government, each member of any such fire protection district board may receive an attendance
4 fee not to exceed one hundred dollars for attending a board meeting conducted pursuant to
5 chapter 610, RSMo, but such board member shall not be paid for attending more than four such
6 meetings in any calendar month. **However, no board member shall be paid more than one**
7 **attendance fee if such member attends more than one meeting conducted under chapter**
8 **610, RSMo, in a calendar week.**