

FIRST REGULAR SESSION

# SENATE BILL NO. 86

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

1366S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 77.450, 115.121, 115.124, 162.1060, 184.352, 233.040, 247.060, 247.180, 249.150, 321.210, and 321.610, RSMo, and to enact in lieu thereof twelve new sections relating to municipal elections.

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

Section A. Sections 77.450, 115.121, 115.124, 162.1060, 2 184.352, 233.040, 247.060, 247.180, 249.150, 321.210, and 3 321.610, RSMo, are repealed and twelve new sections enacted in 4 lieu thereof, to be known as sections 77.450, 115.121, 115.124, 5 115.710, 162.1060, 184.352, 233.040, 247.060, 247.180, 249.150, 6 321.210, and 321.610, to read as follows:

77.450. If a vacancy occurs in any elective office 2 other than the office of mayor, a successor to the vacant 3 office shall be selected by appointment by the mayor with 4 the advice and consent of a majority of the remaining 5 members of the council. The council may adopt procedures to 6 fill vacancies consistent with this section. The successor 7 shall serve until the next [available regular] **general** 8 municipal [April] election **day, as described in section** 9 **115.121.** If a vacancy occurs in any office not elective, 10 the mayor shall appoint a suitable person to discharge the 11 duties of the same until the first regular meeting of the 12 council thereafter, at which time the vacancy shall be 13 permanently filled.

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

115.121. 1. The general election day shall be the first Tuesday after the first Monday in November of even-numbered years.

2. The primary election day shall be the first Tuesday after the first Monday in August of even-numbered years.

3. The election day for the election of political subdivision and special district officers **and for a ballot measure submitted solely to the qualified voters of a particular political subdivision or special district** shall be the first Tuesday after the first Monday in **[April]** **November** each year, and shall be known as the general municipal election day.

115.124. 1. Notwithstanding any other law to the contrary, in a nonpartisan election in any **[political subdivision or]** special district **[including municipal elections in any city, town, or village]** with two thousand or fewer inhabitants that have adopted a proposal pursuant to subsection 3 of this section **[but excluding municipal elections in any city, town, or village with more than two thousand inhabitants,]** if the notice provided for in subsection 5 of section 115.127 has been published in at least one newspaper of general circulation as defined in section 493.050 in the district, and if the number of candidates for each office in **[a particular political subdivision,]** **the** special district**[, or municipality]** is equal to the number of positions for each office within the **[political subdivision,]** special district**[, or municipality]** to be filled by the election and no ballot measure is placed on the ballot such that a particular political subdivision will owe no proportional elections costs if an election is not held, no election shall be held, and the candidates shall assume the responsibilities of their offices at the

21 same time and in the same manner as if they had been  
22 elected. If no election is held for a particular [political  
23 subdivision,] special district[, or municipality] as  
24 provided in this section, the election authority shall  
25 publish a notice containing the names of the candidates that  
26 shall assume the responsibilities of office under this  
27 section. Such notice shall be published in at least one  
28 newspaper of general circulation as defined in section  
29 493.050 in such [political subdivision or] district by the  
30 first of the month in which the election would have  
31 occurred, had it been contested. Notwithstanding any other  
32 provision of law to the contrary, if at any election the  
33 number of candidates filing for a particular office exceeds  
34 the number of positions to be filled at such election, the  
35 election authority shall hold the election as scheduled,  
36 even if a sufficient number of candidates withdraw from such  
37 contest for that office so that the number of candidates  
38 remaining after the filing deadline is equal to the number  
39 of positions to be filled.

40 2. The election authority or political subdivision  
41 responsible for the oversight of the filing of candidates in  
42 any nonpartisan election in any [political subdivision or]  
43 special district shall clearly designate where candidates  
44 shall form a line to effectuate such filings and determine  
45 the order of such filings; except that, in the case of  
46 candidates who file a declaration of candidacy with the  
47 election authority or political subdivision prior to 5:00  
48 p.m. on the first day for filing, the election authority or  
49 political subdivision may determine by random drawing the  
50 order in which such candidates' names shall appear on the  
51 ballot. If a drawing is conducted pursuant to this  
52 subsection, it shall be conducted so that each candidate, or

53 candidate's representative if the candidate filed under  
54 subsection 2 of section 115.355, may draw a number at random  
55 at the time of filing. If such drawing is conducted, the  
56 election authority or political subdivision shall record the  
57 number drawn with the candidate's declaration of candidacy.  
58 If such drawing is conducted, the names of candidates filing  
59 on the first day of filing for each office on each ballot  
60 shall be listed in ascending order of the numbers so drawn.

61 3. The governing body of any city, town, or village  
62 with two thousand or fewer inhabitants may submit to the  
63 voters at any available election, a question to adopt the  
64 provisions of subsection 1 of this section for **[municipal]**  
65 **special district** elections. If a majority of the votes cast  
66 by the qualified voters voting thereon are in favor of the  
67 question, then the city, town, or village shall conduct  
68 **[nonpartisan municipal]** elections as provided in subsection  
69 1 of this section for all nonpartisan elections remaining in  
70 the year in which the proposal was adopted and for the six  
71 calendar years immediately following such approval. At the  
72 end of such six-year period, each such **[city, town, or**  
73 **village]** **special district** shall be prohibited from  
74 conducting such elections in such a manner unless such a  
75 question is again adopted by the majority of qualified  
76 voters as provided in this subsection.

115.710. 1. **Each declaration of candidacy for any**  
2 **city, town, or village office, or any township office in a**  
3 **township organization county shall state the candidate's**  
4 **full name, residence address, office for which such**  
5 **candidate proposes to be a candidate, the party ticket on**  
6 **which he or she wishes to be a candidate, and that if**  
7 **elected he or she will qualify. The declaration shall be in**  
8 **substantially the following form:**

I, \_\_\_\_\_, a resident and registered voter of the  
county of \_\_\_\_\_ and the state of Missouri,  
residing at \_\_\_\_\_, do announce myself a candidate  
for the office of \_\_\_\_\_ on the \_\_\_\_\_ party  
ticket, to be voted for at the general municipal  
election to be held on the \_\_\_\_\_ day of \_\_\_\_\_,  
\_\_\_\_\_, and I further declare that if elected to  
such office I will qualify.

_____	Subscribed and sworn
Signature of candidate	to before me this
	_____ day of
	_____, _____
_____	_____
Residence address	Signature of election
	official or other
	officer
	authorized to
	administer oaths

\_\_\_\_\_

Mailing address (if  
different)

\_\_\_\_\_

Telephone Number  
(Optional)

2. If the declaration is to be filed in person, it  
shall be subscribed and sworn to by the candidate before an  
official authorized to accept his or her declaration of  
candidacy. If the declaration is to be filed by certified  
mail or any other means, it shall be subscribed and sworn to  
by the candidate before a notary public or other officer  
authorized by law to administer oaths.

162.1060. 1. There is hereby established a  
2 "Metropolitan Schools Achieving Value in Transfer  
3 Corporation", which shall be a public body corporate, for  
4 the purpose of implementing an urban voluntary school  
5 transfer program within a program area which shall include a  
6 city not within a county and any school district located in  
7 whole or in part in a county with a population in excess of  
8 nine hundred thousand persons which district chooses to  
9 participate. The corporation shall be governed by a board  
10 of directors consisting of one representative from each  
11 school district that participates in the urban voluntary  
12 school transfer program selected by the governing body of  
13 each such district. The vote of each member of the board  
14 shall be weighted proportionately to the percentage of the  
15 total of transfer students who attend school in the member's  
16 district.

17 2. (1) The corporation's board of directors shall  
18 design and operate an urban voluntary school transfer  
19 program for all participating districts. The board shall  
20 make provision for transportation of all the students and  
21 for payment to school districts for the education of such  
22 students. Acceptance of students into the program shall be  
23 determined by policies enacted by the corporation's board of  
24 directors, provided that first preference for acceptance of  
25 students shall be granted to students currently attending a  
26 district other than the district of residence pursuant to a  
27 voluntary transfer program established pursuant to federal  
28 desegregation order, decree or agreement. All provisions of  
29 this section shall be subject to a settlement incorporated  
30 into a final judgment, provided that the financial  
31 provisions of this section shall not be superseded by such  
32 settlement.

(2) Each district, other than a metropolitan school district, participating in an urban voluntary school transfer program shall place before voters in the district a proposal to continue participation in the urban voluntary school transfer program at the [April election] **general municipal election day, as described in section 115.121,** during the sixth year of operation of the program. Unless a majority of district voters voting thereon votes to continue participation in the program, each district, other than a metropolitan school district, shall file a plan, no later than the end of the seventh year of the operation of the program, for phase-out of the district's participation in the program, and such plan shall be provided to the state board of education, the transitional school district and the board of directors of the corporation. Each such plan shall provide for elimination of transfers to the district pursuant to this section no later than the following schedule:

(a) The ninth year of the program for grades one through three;

(b) The tenth year of the program for grades four through six;

(c) The eleventh year of the program for grades seven through nine; and

(d) The twelfth year of the program for grades ten through twelve.

3. (1) Other provisions of law to the contrary notwithstanding, each student participating in the program shall be considered an eligible pupil of the district of residence for the purpose of distributing state aid, except that students attending school in a metropolitan school district in a program established pursuant to this section

65 shall be considered eligible pupils of the district  
66 attended, and provided that the department shall determine  
67 the increased state aid eligibility created by including  
68 pupils attending school in a program established pursuant to  
69 this section as eligible pupils of the district of residence  
70 and shall distribute the full amount of such state aid to  
71 the metropolitan schools achieving value in transfer  
72 corporation and shall not distribute state aid on the basis  
73 of such pupils to the district of residence.

74 (2) For each student participating in the program, the  
75 corporation shall receive the total of all state and federal  
76 aid that would otherwise be paid to the student's district  
77 of residence, including, but not limited to, state aid  
78 provided pursuant to section 148.360, section 149.015, and  
79 sections 163.031 and 163.087. The corporation shall pay a  
80 school district that receives a nonresident student from the  
81 funds of the corporation in accordance with the provisions  
82 of this section and agreements between the corporation and  
83 the participating school districts.

84 4. (1) In each of the first two fiscal years, the  
85 corporation shall also receive a payment of twenty-five  
86 million dollars.

87 (2) For the third year of operation and thereafter,  
88 the corporation shall receive transportation state aid, for  
89 each student that participates in the program, which shall  
90 be in the same amount and on the same basis as would be  
91 received by the student's district of residence if the  
92 student were attending a school in the attendance zone in  
93 the student's district of residence, provided that such  
94 reimbursement shall not exceed one hundred fifty-five  
95 percent of the statewide average per pupil cost for  
96 transportation for the second preceding school year.



97           (3) Funds received by the corporation pursuant to this  
98 subsection may be used for any purpose and need not be  
99 expended in the year received.

100           5. The corporation created herein shall have all  
101 powers of a public body corporate, except that it shall have  
102 no paid employees. The corporation, by contract with any  
103 public entity, school district, or private entity, may  
104 retain the services of a fiscal agent, make provisions for  
105 accounting, transportation management, or other assistance  
106 that the corporation may need to carry out its functions,  
107 except that no contractor or employee of any contractor  
108 acting in a policy-making function shall have ever have been  
109 a contractor or employee of the voluntary interdistrict  
110 coordinating council or any other program established by the  
111 federal district court; except that this restriction shall  
112 not apply to transportation contractors or their employees.  
113 When a school district located in whole or in part in a  
114 county with a population in excess of nine hundred thousand  
115 persons ceases to participate in the urban public school  
116 transfer program, its representative shall be removed from  
117 the corporation's board of directors. When none of the  
118 students who reside in a school district in a city not  
119 within a county opt to participate in the program, the  
120 school district's representative shall be removed from the  
121 board of directors. When all of the school districts have  
122 ended their participation in the program, in accordance with  
123 this subsection, the corporation's operations shall cease,  
124 and any funds of the corporation remaining shall be paid to  
125 the state of Missouri to the credit of the general revenue  
126 fund, except such amounts as the commissioner of education  
127 shall determine should be paid to particular school

128 districts under the regulations applicable to federal  
129 programs or returned to the federal government.

130         6. All funds received by the corporation shall become  
131 funds of the corporation and paid for the purposes set forth  
132 in this section and in accordance with agreements entered  
133 into between the corporation and participating school  
134 districts and other entities, provided that funds received  
135 for particular purposes, under federal or state categorical  
136 programs benefitting individual students, shall be paid to  
137 the district or entity providing services to the students  
138 entitled to such services. The proportionate share of  
139 federal and state resources generated by students with  
140 disabilities, or the staff serving them, shall be paid to  
141 the district where the child is attending school, unless the  
142 district of residence is required by law to provide such  
143 services to the individual students, except that a special  
144 school district containing the district where the child is  
145 attending school shall be paid for all unreimbursed expenses  
146 for special education services provided to students with  
147 disabilities. Funds held by the corporation at the close of  
148 a fiscal year may be carried over and utilized by the  
149 corporation in subsequent fiscal years for the purposes set  
150 forth in this section.

151         7. The board of directors may establish regional  
152 attendance zones which map the regions of a district in a  
153 city not within a county to corresponding recipient  
154 districts within the remainder of the program area. In  
155 establishing the regional attendance zones, the board of  
156 directors may solicit comments and suggestions from  
157 residents of the program area and may adopt one or more  
158 regional attendance zones previously established in the

159 program area pursuant to a federal court desegregation  
160 order, decree or agreement.

184.352. The following terms whenever used or referred  
2 to in sections 184.350 to 184.384 shall unless a different  
3 intent clearly appears from the context be construed to have  
4 the following meaning:

5 (1) "African-American history museum and cultural  
6 subdistrict" shall consist of a political subdistrict which  
7 shall provide for the collection, preservation, and  
8 exhibition of items relating to the history and culture of  
9 African-Americans, more specifically for interpretation  
10 through core exhibits that may include wax sculptures,  
11 photographs, paintings, and other artistic expressions; and  
12 further for the collection of costumes, archaeological  
13 anthropological material, artifacts, and memorabilia; and  
14 for the maintenance of archives, including manuscripts,  
15 personal records, and other material that relates to the  
16 African-American experience to American history; and to  
17 provide for the preservation of American music traditions,  
18 including ragtime, jazz, blues, and gospel; and to provide  
19 technical assistance and advisory service for historic  
20 research or which may contract with another person with the  
21 capability of providing such services;

22 (2) "Art museum subdistrict" shall consist of such  
23 institutions and places for the purpose of collection and  
24 exhibition of pictures, statuary and other works of art and  
25 whatever else may be of artistic interest and appropriate  
26 for exhibition in an art gallery or museum for instruction  
27 in art and in general for the promotion by all proper means  
28 of aesthetic or artistic education;

29 (3) "Board", the governing body of the metropolitan  
30 zoological park and museum district;

(4) "Botanical garden subdistrict" shall consist of a political subdistrict which shall provide for the collection and exhibition of displays of things relating to plants or botany, for the promotion of plant life and related subjects, educational and research activities, for the maintenance of a botanical library, and for the promotion by all proper means of public interest in plant life and botany; or which may contract with another person with the capability of providing such services;

(5) "City", a constitutional charter city not located within a county;

(6) "Commission", the governing body of each of the respective subdistricts as may be authorized as provided in section 184.350, 184.351, or 184.353;

(7) "County", a constitutional charter county adjoining a constitutional charter city;

(8) "District", the metropolitan zoological park and museum district;

(9) "Missouri history museum subdistrict" shall consist of a political subdistrict which shall provide for the collection, preservation, and exhibition of items relating to the history of the entire state of Missouri and of the Louisiana Purchase Territory, and more specifically for the collection and display of photographs, paintings, costumes, archaeological and anthropological material, artifacts and memorabilia pertaining to the political, commercial and cultural history of the region, including extensive artifacts, memorabilia, historical documents concerning the first solo transatlantic flight, for the promotion of archaeological and historical studies, for the maintenance of a history library and archives, including manuscripts documenting the first United States-sponsored

63 exploratory expedition of the Louisiana Purchase Territory  
64 as well as papers of the president who authorized the  
65 Louisiana Purchase, and for the promotion by all proper  
66 means of public interest in the history of Missouri and the  
67 region in which it is located, and, as otherwise provided by  
68 law and in cooperation with the department of natural  
69 resources of the state of Missouri, to provide technical  
70 assistance and advisory services for the collection,  
71 preservation, and exhibition of recordings, instruments, and  
72 memorabilia of ragtime, jazz and blues music including  
73 ragtime pianos and ragtime piano sheet music to be housed  
74 and maintained at the Scott Joplin house state historic  
75 site; or which may contract with another person having all  
76 of the historical materials listed herein as well as the  
77 capability of providing all of the services listed herein;

78       (10) "Recreation and amateur sports subdistrict" shall  
79 consist of a political subdistrict which shall provide for  
80 and assist in the planning, development, financing,  
81 maintenance, improvement and construction of facilities and  
82 venues to be publicly owned and operated by political  
83 subdivisions, public school districts, universities and  
84 colleges, or not-for-profit corporations chartered to  
85 attract, promote and manage major national and international  
86 amateur sports events, competitions and programs for the use  
87 of the general public. Such subdistrict shall structure its  
88 procedures for procuring supplies, services and construction  
89 to achieve the result that a minimum of twenty percent in  
90 the aggregate of the total dollar value of annual  
91 procurements is made directly or indirectly from certified  
92 socially and economically disadvantaged small business  
93 concerns;

(11) "St. Louis Science Center subdistrict" shall consist of such institutions and places for the purpose of collection and exhibition of displays of items of natural historical, industrial, transport and scientific interest, the instruction and recreation of the people, for the promotion of the study of science, industrial, transport and natural history and kindred subjects and for the promotion by all proper means of public interest in natural history, transport, industry and science;

(12) "Special election", [an election held on the first Tuesday of April] **the general municipal election day, as described in section 115.121**, or whenever propositions are submitted to the voters of the whole district;

(13) "Symphony orchestra subdistrict" shall consist of a political subdistrict which shall provide for regular performances of a symphony orchestra with not less than ninety full-time symphonic musicians, own its own concert hall in which a substantial number of its concerts shall be held, and provide for the promotion by all proper means of public interest in music; or which may contract with another person with the capability of providing such services and which owns its own concert hall;

(14) "Transport museum subdistrict" shall consist of a political subdistrict which shall provide for institutions and places for the edification of the public in the history and science of transportation, communications and powering, and more specifically for the preservation and display of artifacts related to man's efforts to transport materials, people, and ideas and to create, transmit, and utilize power, and for the provision of a library of publications and other records containing history and technology related to transportation, communications and powering, and

126 facilities for the study of such efforts; or which may  
127 contract with another person with the capability of  
128 providing such services;

129 (15) "Zoological subdistrict" shall consist of such  
130 institutions and places for the collection and exhibition of  
131 animals and animal life, for the instruction and recreation  
132 of the people, for the promotion of zoology and kindred  
133 subjects, for the encouragement of zoological study and  
134 research and for the increase of public interest in wild  
135 animals and in the protection of wild animal life.

233.040. 1. The mayor and members of the city council  
2 of any city or town within any special road district thus  
3 organized, together with the members of the county  
4 commission of the county in which said district is located,  
5 at a meeting to be held in the meeting place of the county  
6 commission, at which meeting the presiding commissioner of  
7 the county commission shall preside and the county clerk  
8 shall act as clerk, within two weeks after the voters within  
9 the territory of such proposed district shall adopt the  
10 provisions of sections 233.010 to 233.165, shall, by order  
11 of record to be kept by the county clerk, appoint a board of  
12 commissioners composed of three persons, designating one to  
13 serve for three years, one for two years and one for one  
14 year, and in February every year thereafter one special road  
15 district commissioner shall be appointed as above specified,  
16 to serve for three years. However, beginning in 1994, the  
17 commissioner whose appointment will expire in February,  
18 1994, shall serve until the first Tuesday in April of that  
19 year at which time a commissioner shall be elected to hold  
20 office for three years and until a successor is elected,  
21 commissioned, and qualified. Those commissioners whose  
22 terms expire in 1995 or 1996 shall serve until the first

23 Tuesday in April in 1995 or 1996, respectively, at which  
24 time a commissioner shall be elected to hold office for  
25 three years and until a successor is elected, commissioned,  
26 and qualified to replace each commissioner. All subsequent  
27 commissioners shall be elected at the [appropriate] **general**  
28 **municipal** election [held on the first Tuesday in April] **day,**  
29 **as described in section 115.121,** for three-year terms. An  
30 appointee shall be eligible to file for election as  
31 commissioner. The nominations and elections shall be  
32 governed by the provisions of law relating to the nomination  
33 and election of persons on a nonpartisan basis at such  
34 elections. All such commissioners shall be resident  
35 taxpayers of the district, and shall serve until their  
36 successors are appointed or elected and qualified, with  
37 vacancies to be filled by the county commission.  
38 Resignations shall be to the county clerk. Removal from the  
39 district shall create a vacancy.

40 2. Such commissioners, before entering upon the  
41 discharge of their duties, shall take oath of office, to be  
42 administered by the clerk of the county commission.

247.060. 1. The management of the business and  
2 affairs of the district is hereby vested in a board of  
3 directors, who shall have all the powers conferred upon the  
4 district except as herein otherwise provided. It shall be  
5 composed of five members, each of whom shall be a voter of  
6 the district and shall have resided in said district one  
7 whole year immediately prior to his or her election. A  
8 member shall be at least twenty-five years of age and shall  
9 not be delinquent in the payment of taxes at the time of his  
10 election. Except as provided in subsection 2 of this  
11 section, the term of office of a member of the board shall  
12 be three years. The remaining members of the board shall



13 appoint a qualified person to fill any vacancy on the  
14 board. If no qualified person who lives in the subdistrict  
15 for which there is a vacancy is willing to serve on the  
16 board, the board may appoint an otherwise qualified person  
17 who lives in the district but not in the subdistrict in  
18 which the vacancy exists to fill such vacancy.

19 2. After notification by certified mail that he or she  
20 has two consecutive unexcused absences, any member of the  
21 board failing to attend the meetings of the board for three  
22 consecutive regular meetings, unless excused by the board  
23 for reasons satisfactory to the board, shall be deemed to  
24 have vacated the seat, and the secretary of the board shall  
25 certify that fact to the board. The vacancy shall be filled  
26 as other vacancies occurring in the board.

27 3. The initial members of the board shall be appointed  
28 by the circuit court and one shall serve until the  
29 immediately following first Tuesday after the first Monday  
30 in April, two shall serve until the first Tuesday after the  
31 first Monday in April on the second year following their  
32 appointment and the remaining appointees shall serve until  
33 the first Tuesday after the first Monday in April on the  
34 third year following their appointment. On the expiration  
35 of such terms and on the expiration of any subsequent term,  
36 elections shall be held as otherwise provided by law, and  
37 such elections shall be held [in April] pursuant to section  
38 247.180.

39 4. In 2008, 2009, and 2010, directors elected in such  
40 years shall serve from the first Tuesday after the first  
41 Monday in June until the first Tuesday in April of the third  
42 year following the year of their election. All directors  
43 elected thereafter shall serve from the first Tuesday in

44 April until the first Tuesday in April of the third year  
45 following the year of their election.

46         5. Each member of the board may receive an attendance  
47 fee not to exceed one hundred dollars for attending each  
48 regularly called board meeting, or special meeting, but  
49 shall not be paid for attending more than two meetings in  
50 any calendar month, except that in a county of the first  
51 classification, a member shall not be paid for attending  
52 more than four meetings in any calendar month. However, no  
53 board member shall be paid more than one attendance fee if  
54 such member attends more than one board meeting in a  
55 calendar week. In addition, the president of the board of  
56 directors may receive fifty dollars for attending each  
57 regularly or specially called board meeting, but shall not  
58 be paid the additional fee for attending more than two  
59 meetings in any calendar month. Each member of the board  
60 shall be reimbursed for his or her actual expenditures in  
61 the performance of his or her duties on behalf of the  
62 district.

63         6. In no event, however, shall a board member receive  
64 any attendance fees or additional compensation authorized in  
65 subsection 5 of this section until after such board member  
66 has completed a minimum of six hours training regarding the  
67 responsibilities of the board and its members concerning the  
68 basics of water treatment and distribution, budgeting and  
69 rates, water utility planning, the funding of capital  
70 improvements, the understanding of water utility financial  
71 statements, the Missouri sunshine law, and this chapter.

72         7. The circuit court of the county having jurisdiction  
73 over the district shall have jurisdiction over the members  
74 of the board of directors to suspend any member from  
75 exercising his or her office, whensoever it appears that he

76 or she has abused his or her trust or become disqualified;  
77 to remove any member upon proof or conviction of gross  
78 misconduct or disqualification for his or her office; or to  
79 restrain and prevent any alienation of property of the  
80 district by members, in cases where it is threatened, or  
81 there is good reason to apprehend that it is intended to be  
82 made in fraud of the rights and interests of the district.

83 8. The jurisdiction conferred by this section shall be  
84 exercised as in ordinary cases upon petition, filed by or at  
85 the instance of any member of the board, or at the instance  
86 of any ten voters residing in the district who join in the  
87 petition, verified by the affidavit of at least one of  
88 them. The petition shall be heard in a summary manner after  
89 ten days' notice in writing to the member or officer  
90 complained of. An appeal shall lie from the judgment of the  
91 circuit court as in other causes, and shall be speedily  
92 determined; but an appeal does not operate under any  
93 condition as a supersedeas of a judgment of suspension or  
94 removal from office.

247.180. 1. Regular elections and elections held for  
2 the purposes of section 247.130 shall be called annually by  
3 the board of directors on the [first Tuesday after the first  
4 Monday in April] **general municipal election day, as**  
5 **described in section 115.121.** Such elections shall be  
6 conducted by the appropriate election authority pursuant to  
7 chapter 115.

8 2. Notwithstanding any other provision of law, if  
9 there is only one candidate for the post of director of any  
10 given subdistrict, then no election shall be held, and the  
11 candidate or candidates shall assume the responsibilities of  
12 their offices at the same time and in the same manner as if  
13 elected. If there is no candidate for the post of any given

14 subdistrict, then no election shall be held for that post  
15 and it shall be considered vacant, to be filled pursuant to  
16 the provisions of section 247.060.

249.150. On the [first Tuesday in April] **general**  
2 **municipal election day, as described in section 115.121,**  
3 after the expiration of two years from the date of the  
4 election of the first board of trustees for respective terms  
5 of two, four and six years each, an election shall be called  
6 and held by the board of trustees and every two years  
7 thereafter shall be so called and held for the purpose of  
8 electing a trustee who shall serve for a term of six years  
9 and until his successor shall have been elected and  
10 qualified to fill the office of the trustee whose term may  
11 then expire and any vacancy then existing in the membership  
12 of said board shall be filled at such election.

321.210. On the [first Tuesday in April after the  
2 expiration of at least two full calendar years from the date  
3 of the election of the first board of directors, and on the  
4 first Tuesday in April] **general municipal election day, as**  
5 **described in section 115.121,** every two years [thereafter],  
6 an election for members of the board of directors shall be  
7 held in the district. Nominations shall be filed at the  
8 headquarters of the fire protection district in which a  
9 majority of the district is located by paying a filing fee  
10 equal to the amount of a candidate for county office as set  
11 forth under section 115.357 and filing a statement under  
12 oath that the candidate possesses the required  
13 qualifications. The candidate receiving the most votes  
14 shall be elected. Any new member of the board shall qualify  
15 in the same manner as the members of the first board qualify.

321.610. 1. In addition to all other limits set forth  
2 in this chapter, the board in counties of the first

3 classification shall in each year determine the amount of  
4 money necessary to be raised by taxation, and shall fix a  
5 rate of levy which, when levied upon every dollar of the  
6 taxable tangible property within the district as shown by  
7 the last completed assessment, and with other revenues, will  
8 raise the amount required by the district annually to supply  
9 funds for paying the expenses of organization and operation  
10 and the costs of acquiring, supplying and maintaining the  
11 property, works and equipment of the district, and maintain  
12 the necessary personnel, which rate of levy shall not exceed  
13 forty cents on the one hundred dollars valuation. The board  
14 in any county of the first classification having a  
15 population in excess of nine hundred thousand may fix an  
16 additional rate not to exceed twenty-five cents on the  
17 hundred dollars valuation and the board in all other first  
18 classification counties may fix an additional rate, not to  
19 exceed fifteen cents on the hundred dollars valuation, the  
20 revenues from which shall be deposited in a special fund and  
21 used only for the pension program of the district, by  
22 submitting the following question to the voters at the  
23 municipal general, primary or general election in such  
24 district or at any election at which a member of the board  
25 of directors is to be elected:

26           Shall the board of directors of \_\_\_\_\_ Fire  
27           Protection District be authorized to levy an  
28           annual tax rate of \_\_\_\_\_ cents per one hundred  
29           dollars valuation, the revenues from which shall  
30           be deposited in a special fund and used only for  
31           the pension program of the district?

32           2. Any district approving a tax levy rate pursuant to  
33           the provisions of subsection 1 of this section shall  
34           transfer all revenue collected plus interest monthly for

35 deposit in the district retirement fund. The board of  
36 directors for the fire protection district shall comply with  
37 the prudent investor standard for investment fiduciaries as  
38 provided in section 105.688 when investing the assets of the  
39 pension program.

40 3. Any district may impose a tax not to exceed ten  
41 cents on the one hundred dollars valuation, in addition to  
42 the rate which the board may levy pursuant to this section,  
43 by submitting the following question to the voters at any  
44 election in such district held on the [first Tuesday in  
45 April] **general municipal election day, as described in**  
46 **section 115.121**, of any year:

47 Shall the board of directors of \_\_\_\_\_ Fire  
48 District be authorized to increase the annual  
49 tax rate from \_\_\_\_\_ cents to \_\_\_\_\_ cents on  
50 the hundred dollars assessed valuation?

51 and in addition thereto, to fix a rate of levy which will  
52 enable it to promptly pay in full when due all interest on  
53 and principal of bonds and other obligations of the  
54 district, and to pay any indebtedness authorized by a vote  
55 of the people as provided by sections 321.010 to 321.450;  
56 and in the event of accruing defaults or deficiencies in the  
57 bonded or contractual indebtedness, an additional levy may  
58 be made as provided in section 321.260.

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