

SENATE BILL NO. 1152

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR NICOLA.

3829S.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3 321.610, RSMo, are repealed and twelve new sections enacted in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 _____ to before me this
 candidate

_____ 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

36 **by the candidate before a notary public or other officer**
37 **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

provisions of this section shall not be superseded by such 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

63 that students attending school in a metropolitan school
64 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

shall determine should be paid to particular school districts under the regulations applicable to federal programs or returned to the federal government.

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

7. The board of directors may establish regional attendance zones which map the regions of a district in a city not within a county to corresponding recipient districts within the remainder of the program area. In establishing the regional attendance zones, the board of directors may solicit comments and suggestions from residents of the program area and may adopt one or more 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;

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

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

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

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

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

49 (9) "Missouri history museum subdistrict" shall
50 consist of a political subdistrict which shall provide for
51 the collection, preservation, and exhibition of items
52 relating to the history of the entire state of Missouri and
53 of the Louisiana Purchase Territory, and more specifically
54 for the collection and display of photographs, paintings,
55 costumes, archaeological and anthropological material,
56 artifacts and memorabilia pertaining to the political,
57 commercial and cultural history of the region, including
58 extensive artifacts, memorabilia, historical documents
59 concerning the first solo transatlantic flight, for the
60 promotion of archaeological and historical studies, for the
61 maintenance of a history library and archives, including
62 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;

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

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

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

116 (14) "Transport museum subdistrict" shall consist of a
117 political subdistrict which shall provide for institutions
118 and places for the edification of the public in the history
119 and science of transportation, communications and powering,
120 and more specifically for the preservation and display of
121 artifacts related to man's efforts to transport materials,
122 people, and ideas and to create, transmit, and utilize
123 power, and for the provision of a library of publications
124 and other records containing history and technology related
125 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.

✓