



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

JOHN C. DANFORTH
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November 5, 1975

OPINION LETTER NO. 151

Honorable William Raisch
State Representative, District 107
9904 Vasel Drive
St. Louis, Missouri 63123

Dear Representative Raisch:

This letter is in response to your question asking:

"May the Board of Directors of a Fire Protection District in St. Louis County provide for the payment of benefits to the widows and/or minor children of members of the said Fire Department who lose their lives but not in the performance of their duties?"

A) If so, must such approval be submitted to the voters of the district or may the Board of Directors authorize same by Ordinance as part of the firemens compensation."

Section 321.600(15), RSMo, relative to the powers of the boards of directors in first class counties, provides in pertinent part:

"To provide for the pensioning of the salaried members of its organized fire department of the district and to provide for the payment of death benefits to the widows and minor children of members of its organized fire department, or if such member is unmarried or without minor children, to his next of kin, including adult children, if any, or

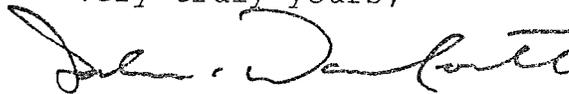
Honorable William Raisch

other person designated by him or his estate, who lose their lives while on duty; and to provide for the payment of health, accident or disability benefits to such salaried members of its organized fire department, who shall become disabled due to injury or disease incurred while on duty or in the performance of their duties; except that no board shall have the authority herein set forth until approved by the qualified voters of the districts concerned as herein provided. On order of the board of a district or on petition of twenty-five qualified voters who are real property owners within the district, an election shall be held on the question of whether the authority of this subdivision shall be exercised by the board, and the secretary shall cause to be published notice of the election as herein provided and shall cause to be submitted to the qualified voters of the district at the next annual election of the members of the board or at a special election called for the purpose a separate ballot containing the question. . . ."
(Emphasis added)

The authority of the board is thus limited to providing death benefits to the widows and children of salaried members "who lose their lives while on duty", subject to voter approval.

In addition, for your information, we are enclosing a copy of Opinion No. 217 - 1975, to Treppler.

Very truly yours,



JOHN C. DANFORTH
Attorney General

Enclosure: Op. No. 217 - 1975