

SECOND REGULAR SESSION

HOUSE BILL NO. 2726

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BANGERT.

5717H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 321.300, RSMo, and to enact in lieu thereof one new section relating to fire protection districts.

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

Section A. Section 321.300, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.300, to read as follows:

321.300. 1. The boundaries of any district organized pursuant to the provisions of this chapter may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed may file with the board a petition in writing praying that such real property be included within the district; provided that in the case of a municipality having less than twenty percent of its total population in one fire protection district, the entire remaining portion may be included in another district so that none of the city is outside of a fire protection district at the time. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner; provided, however, that in the event that there are more

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.

18 than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed
19 sufficient description of their property in the petition as required in this section to list the
20 addresses of such property; or

21 (2) All of the owners of any territory or tract of land near or adjacent to a fire protection
22 district who own all of the real estate in such territory or tract of land may file a petition with the
23 board praying that such real property be included in the district. The petition shall describe the
24 property owned by the petitioners and shall be deemed to give assent of the petitioners to the
25 inclusion in the district of the property described in the petition;

26 (3) Notwithstanding any provision of law to the contrary, in any fire protection district
27 which is partly or wholly located in a noncharter county of the first classification with a
28 population of less than one hundred thousand which adjoins any county of the first classification
29 with a charter form of government with a population of nine hundred thousand or more
30 inhabitants, if such fire protection district serves any portion of a city which is located in both
31 such counties, the boundaries of the district may be expanded so as to include the entire city
32 within the fire protection district, but the boundaries of the district shall not be expanded beyond
33 the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such
34 change in the boundaries of the district shall be accomplished only if twenty-five percent of the
35 number of voters who voted in the most recent gubernatorial election in the area to be annexed
36 file with the board a petition in writing praying that such real property be included within the
37 district. The petition shall describe the property to be included in the district and shall describe
38 the property owned by the petitioners and shall be deemed to give assent of the petitioners to the
39 inclusion in the district of the property described in the petition; and such petition shall be in
40 substantially the form set forth in section 321.495 dealing with referendums and verified in like
41 manner.

42 (4) **Notwithstanding any provision of law to the contrary, if a fire protection district**
43 **located in a county with a charter form of government with a population of nine hundred**
44 **thousand or more inhabitants serves any portion of a city with a charter form of**
45 **government that has a municipal fire department, the boundaries of the fire protection**
46 **district may be extended to serve other portions of the city. However, no boundaries shall**
47 **be extended beyond the city limits of the city, as they existed on July 1, 2020. To extend the**
48 **fire protection district boundaries, the governing body of the city shall file a written notice**
49 **of consent with the fire protection district board. If the fire protection district board**
50 **endorses the notice of consent, the fire protection district board shall petition the circuit**
51 **court that has jurisdiction over the district to order the extension of the district boundaries**
52 **to the area described in the notice of consent at an election held for that purpose. The**

53 **question shall be submitted to the registered voters who reside within the area described**
54 **in the notice of consent in substantially the following form:**

55 **Shall the boundaries of the _____ Fire Protection District be extended to**
56 **include the following property? (Property description.)**

57 **YES** **NO**

58

59 **If a majority of the votes cast by the qualified voters voting thereon are in favor of the**
60 **question, the court shall enter its further order declaring the decree of extension of the fire**
61 **protection district boundaries to be final and conclusive. If a majority of the votes cast by**
62 **the qualified voters voting thereon are opposed to the question, the court shall enter its**
63 **further order declaring the extension of the fire protection district boundaries to be void**
64 **and of no effect.**

65 3. The secretary of the board shall cause notice of the filing of any petition filed pursuant
66 to this section to be given and published in the county in which the property is located, which
67 notice shall recite the filing of such petition, the number of petitioners, a general description of
68 the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice
69 to all persons interested to appear at the office of the board at the time named in the notice and
70 show cause in writing, if any they have, why the petition should not be granted. The board shall
71 at the time and place mentioned, or at such time or times to which the hearing may be adjourned,
72 proceed to hear the petition and all objections thereto presented in writing by any person showing
73 cause why the petition should not be granted. The failure of any person interested to show cause
74 in writing why such petition shall not be granted shall be deemed as an assent on his part to the
75 inclusion of such lands in the district as prayed for in the petition.

76 4. If the board deems it for the best interest of the district, it shall grant the petition, but
77 if the board determines that some portion of the property mentioned in the petition cannot as a
78 practical matter be served by the district, or if it deems it for the best interest of the district that
79 some portion of the property in the petition not be included in the district, then the board shall
80 grant the petition in part only. If the petition is granted, the board shall make an order to that
81 effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction
82 over the district, the property shall be included in the district. If the petition contains the
83 signatures of all the owners of the property pursuant to the provisions of subdivision (2) of
84 subsection 2 of this section, the property shall be included in the district upon the order of the
85 court. If the petition contains the signatures of twenty-five percent of the number of voters who
86 voted in the most recent gubernatorial election in the area to be annexed pursuant to subdivision
87 (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district
88 subject to the election provided in section 321.301. The circuit court having jurisdiction over the

89 district shall proceed to make any such order including such additional property within the
90 district as is provided in the order of the board, unless the court shall find that such order of the
91 board was not authorized by law or that such order of the board was not supported by competent
92 and substantial evidence.

93 5. Any person aggrieved by any decision of the board made pursuant to the provisions
94 of this section may appeal that decision to the circuit court of the county in which the property
95 is located within thirty days of the decision by the board.

96 6. No fire protection district, or employee thereof, in which territory is annexed pursuant
97 to this section shall be required to comply with any prescribed firefighter training program or
98 regimen which would not otherwise apply to the district or its employees, but for the
99 requirements applicable to the annexed territory.

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