

# SENATE BILL NO. 764

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WILLIAMS.

3692S.03I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 72.418 and 321.300, RSMo, and to enact in lieu thereof two new sections relating to fire protection districts.

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

Section A. Sections 72.418 and 321.300, RSMo, are repealed  
2 and two new sections enacted in lieu thereof, to be known as  
3 sections 72.418 and 321.300, to read as follows:

72.418. 1. Notwithstanding any other provision of law  
2 to the contrary, no new city created pursuant to sections  
3 72.400 to 72.423 shall establish a municipal fire department  
4 to provide fire protection services, including emergency  
5 medical services, if such city formerly consisted of  
6 unincorporated areas in the county or municipalities in the  
7 county, or both, which are provided fire protection services  
8 and emergency medical services by one or more fire  
9 protection districts. Such fire protection districts shall  
10 continue to provide services to the area comprising the new  
11 city and may levy and collect taxes the same as such  
12 districts had prior to the creation of such new city.

2. Fire protection districts serving the area included  
14 within any annexation by a city having a fire department,  
15 including simplified boundary changes, shall continue to  
16 provide fire protection services, including emergency  
17 medical services to such area. The annexing city shall pay  
18 annually to the fire protection district an amount equal to

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

19 that which the fire protection district would have levied on  
20 all taxable property within the annexed area. Such annexed  
21 area shall not be subject to taxation for any purpose  
22 thereafter by the fire protection district except for bonded  
23 indebtedness by the fire protection district which existed  
24 prior to the annexation. The amount to be paid annually by  
25 the municipality to the fire protection district pursuant  
26 hereto shall be a sum equal to the annual assessed value  
27 multiplied by the annual tax rate as certified by the fire  
28 protection district to the municipality, including any  
29 portion of the tax created for emergency medical service  
30 provided by the district, per one hundred dollars of  
31 assessed value in such area. The tax rate so computed shall  
32 include any tax on bonded indebtedness incurred subsequent  
33 to such annexation, but shall not include any portion of the  
34 tax rate for bonded indebtedness incurred prior to such  
35 annexation. Notwithstanding any other provision of law to  
36 the contrary, the residents of an area annexed on or after  
37 May 26, 1994, may vote in all fire protection district  
38 elections and may be elected to the fire protection district  
39 board of directors.

40 3. The fire protection district may approve or reject  
41 any proposal for the provision of fire protection and  
42 emergency medical services by a city.

43 **4. Notwithstanding any other provision of law to the**  
44 **contrary, no city shall have any obligation to make any**  
45 **payments for the provision of fire protection services for**  
46 **any territory or tract of land included in a fire protection**  
47 **district pursuant to subsection 3 of section 321.300.**

48 **5. No corporation, organization, or other entity that**  
49 **is annexed into a fire protection district that has its own**  
50 **fire department providing fire protection services,**

51 including emergency medical services, shall be subject to  
52 taxes for fire protection services levied by a fire  
53 protection district serving the area where the corporation,  
54 organization, or entity is located.

55 6. Notwithstanding any other provision of law to the  
56 contrary, if any city which has annexed fire protection  
57 service areas pursuant to this section no longer maintains a  
58 municipal fire department the following shall occur without  
59 delay:

60 (1) For the purpose of the provision of fire  
61 protection services, any annexed service area shall revert  
62 back to the district boundaries of the fire protection  
63 district that provided services prior to such annexation;

64 (2) For the purpose of the provision of emergency  
65 medical services, any annexed service area shall revert back  
66 to the district boundaries of the fire protection district  
67 that provided services prior to such annexation; and

68 (3) All property reverting back to a fire protection  
69 district shall thereafter be subject to taxation by the fire  
70 protection district and the city which no longer maintains a  
71 municipal fire department shall no longer make any payments  
72 to a fire protection district for fire protection or  
73 emergency medical services.

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

10           2. The boundaries may be changed as follows:

11           (1) Twenty-five percent of the number of voters who  
12 voted in the most recent gubernatorial election in the area  
13 to be annexed may file with the board a petition in writing  
14 praying that such real property be included within the  
15 district; provided that in the case of a municipality having  
16 less than twenty percent of its total population in one fire  
17 protection district, the entire remaining portion may be  
18 included in another district so that none of the city is  
19 outside of a fire protection district at the time. The  
20 petition shall describe the property to be included in the  
21 district and shall describe the property owned by the  
22 petitioners and shall be deemed to give assent of the  
23 petitioners to the inclusion in the district of the property  
24 described in the petition; and such petition shall be in  
25 substantially the form set forth in section 321.495 dealing  
26 with referendums and verified in like manner; provided,  
27 however, that in the event that there are more than twenty-  
28 five property owners or taxpaying electors signing the  
29 petition, it shall be deemed sufficient description of their  
30 property in the petition as required in this section to list  
31 the addresses of such property; or

32           (2) All of the owners of any territory or tract of  
33 land near or adjacent to a fire protection district who own  
34 all of the real estate in such territory or tract of land  
35 may file a petition with the board praying that such real  
36 property be included in the district. The petition shall  
37 describe the property owned by the petitioners and shall be  
38 deemed to give assent of the petitioners to the inclusion in  
39 the district of the property described in the petition;

40           (3) Notwithstanding any provision of law to the  
41 contrary, in any fire protection district which is partly or

42 wholly located in a noncharter county of the first  
43 classification with a population of less than one hundred  
44 thousand which adjoins any county of the first  
45 classification with a charter form of government with a  
46 population of nine hundred thousand or more inhabitants, if  
47 such fire protection district serves any portion of a city  
48 which is located in both such counties, the boundaries of  
49 the district may be expanded so as to include the entire  
50 city within the fire protection district, but the boundaries  
51 of the district shall not be expanded beyond the city limits  
52 of such city, as the boundaries of such city existed on  
53 January 1, 1993. Such change in the boundaries of the  
54 district shall be accomplished only if twenty-five percent  
55 of the number of voters who voted in the most recent  
56 gubernatorial election in the area to be annexed file with  
57 the board a petition in writing praying that such real  
58 property be included within the district. The petition  
59 shall describe the property to be included in the district  
60 and shall describe the property owned by the petitioners and  
61 shall be deemed to give assent of the petitioners to the  
62 inclusion in the district of the property described in the  
63 petition; and such petition shall be in substantially the  
64 form set forth in section 321.495 dealing with referendums  
65 and verified in like manner.

66 **3. Notwithstanding any other provision of chapter 321**  
67 **to the contrary, in any county with a charter form of**  
68 **government where fifty or more cities, towns, and villages**  
69 **have been established, any territory or tract of land in a**  
70 **city with a population greater than twenty-four thousand**  
71 **inhabitants but less than twenty-eight thousand inhabitants,**  
72 **which territory or tract of land was previously excluded**  
73 **from a fire protection district following a municipal**

74 annexation and which receives fire protection and emergency  
75 medical services from that fire protection district, may be  
76 also included in that fire protection district as follows:

77 (1) Any owner of property within a territory or tract  
78 of land proposed to be included in the fire protection  
79 district serving that territory or tract of land may file a  
80 petition with the board of directors of the fire protection  
81 district. If the county election authority determines there  
82 were no registered voters residing within the territory or  
83 tract of land as of the date of the earliest signature on  
84 the petition, no election as provided in section 321.301  
85 shall be held with regard to inclusion of such a territory  
86 or tract of land;

87 (2) If the petition does not include the signatures of  
88 all property owners within the territory or tract of land,  
89 the board of directors of the fire protection district shall  
90 schedule a public hearing and provide notice of the filing  
91 of the petition as provided in subsection 4 of this section,  
92 at which the board shall determine whether to grant the  
93 petition or part thereof, as provided in subsection 5 of  
94 this section;

95 (3) If the board grants the petition, in whole or in  
96 part, any person aggrieved by the decision of the board may  
97 appeal the decision as provided in subsection 6 of this  
98 section.

99 4. The secretary of the board shall cause notice of  
100 the filing of any petition filed pursuant to this section to  
101 be given and published in the county in which the property  
102 is located, which notice shall recite the filing of such  
103 petition, the number of petitioners, a general description  
104 of the boundaries of the area proposed to be included and  
105 the prayer of the petitioners; giving notice to all persons

106 interested to appear at the office of the board at the time  
107 named in the notice and show cause in writing, if any they  
108 have, why the petition should not be granted. The board  
109 shall at the time and place mentioned, or at such time or  
110 times to which the hearing may be adjourned, proceed to hear  
111 the petition and all objections thereto presented in writing  
112 by any person showing cause why the petition should not be  
113 granted. The failure of any person interested to show cause  
114 in writing why such petition shall not be granted shall be  
115 deemed as an assent on his part to the inclusion of such  
116 lands in the district as prayed for in the petition.

117 [4.] 5. If the board deems it for the best interest of  
118 the district, it shall grant the petition, but if the board  
119 determines that some portion of the property mentioned in  
120 the petition cannot as a practical matter be served by the  
121 district, or if it deems it for the best interest of the  
122 district that some portion of the property in the petition  
123 not be included in the district, then the board shall grant  
124 the petition in part only. If the petition is granted, the  
125 board shall make an order to that effect and file the same  
126 with the circuit clerk; and upon the order of the court  
127 having jurisdiction over the district, the property shall be  
128 included in the district. If the petition contains the  
129 signatures of all the owners of the property pursuant to the  
130 provisions of subdivision (2) of subsection 2 of this  
131 section, the property shall be included in the district upon  
132 the order of the court. If the petition contains the  
133 signatures of twenty-five percent of the number of voters  
134 who voted in the most recent gubernatorial election in the  
135 area to be annexed pursuant to subdivision (1) or  
136 subdivision (3) of subsection 2 of this section, the  
137 property shall be included in the district subject to the

138 election provided in section 321.301. The circuit court  
139 having jurisdiction over the district shall proceed to make  
140 any such order including such additional property within the  
141 district as is provided in the order of the board, unless  
142 the court shall find that such order of the board was not  
143 authorized by law or that such order of the board was not  
144 supported by competent and substantial evidence.

145 [5.] 6. Any person aggrieved by any decision of the  
146 board made pursuant to the provisions of this section may  
147 appeal that decision to the circuit court of the county in  
148 which the property is located within thirty days of the  
149 decision by the board.

150 [6.] 7. No fire protection district, or employee  
151 thereof, in which territory is annexed pursuant to this  
152 section shall be required to comply with any prescribed  
153 firefighter training program or regimen which would not  
154 otherwise apply to the district or its employees, but for  
155 the requirements applicable to the annexed territory.

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