

SECOND REGULAR SESSION

HOUSE BILL NO. 2038

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HUNTER.

Read 1st time February 7, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4355L.01I

AN ACT

To repeal section 321.322, RSMo, and to enact in lieu thereof one new section relating to property annexation in fire protection districts.

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

Section A. Section 321.322, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.322, to read as follows:

321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district

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.

16 cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire
17 protection in the annexed area on or before January first of the third calendar year following the
18 actual inclusion of the property within the city, as determined by the annexation process, and
19 furthermore the fire protection district shall not levy and collect any tax upon that property
20 included within the corporate limits of the city after the date of inclusion of that property:

21 (1) On or before January first of the second calendar year occurring after the date on
22 which the property was included within the city, the city shall pay to the fire protection district
23 a fee equal to the amount of revenue which would have been generated during the previous
24 calendar year by the fire protection district tax on the property in the area annexed which was
25 formerly a part of the fire protection district;

26 (2) On or before January first of the third calendar year occurring after the date on which
27 the property was included within the city, the city shall pay to the fire protection district a fee
28 equal to four-fifths of the amount of revenue which would have been generated during the
29 previous calendar year by the fire protection district tax on the property in the area annexed
30 which was formerly a part of the fire protection district;

31 (3) On or before January first of the fourth calendar year occurring after the date on
32 which the property was included within the city, the city shall pay to the fire protection district
33 a fee equal to three-fifths of the amount of revenue which would have been generated during the
34 previous calendar year by the fire protection district tax on the property in the area annexed
35 which was formerly a part of the fire protection district;

36 (4) On or before January first of the fifth calendar year occurring after the date on which
37 the property was included within the city, the city shall pay to the fire protection district a fee
38 equal to two-fifths of the amount of revenue which would have been generated during the
39 previous calendar year by the fire protection district tax on the property in the area annexed
40 which was formerly a part of the fire protection district; and

41 (5) On or before January first of the sixth calendar year occurring after the date on which
42 the property was included within the city, the city shall pay to the fire protection district a fee
43 equal to one-fifth of the amount of revenue which would have been generated during the
44 previous calendar year by the fire protection district tax on the property in the area annexed
45 which was formerly a part of the fire protection district.

46 **2.** Nothing contained in this section shall prohibit the ability of a city to negotiate
47 contracts with a fire protection district for mutually agreeable services. This section shall also
48 apply to those fire protection districts and cities which have not reached agreement on
49 overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities
50 shall be treated as though inclusion of the annexed area took place on December thirty-first
51 immediately following August 28, 1990.

52 [2.] **3.** Any property excluded from a fire protection district by reason of subsection 1
53 of this section shall be subject to the provisions of section 321.330.

54 [3.] **4. Beginning August 28, 2008,** the provisions of this section shall [not] apply in any
55 county of the first class having a charter form of government and having a population of over
56 nine hundred thousand inhabitants.

57 [4.] **5.** The provisions of this section shall not apply where the annexing city or town
58 operates a city fire department and was on January 1, 2005, a city of the fourth classification with
59 more than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely
60 surrounded by a single fire district. In such cases, the provision of fire and emergency medical
61 services following annexation shall be governed by subsections 2 and 3 of section 72.418,
62 RSMo.

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