

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute for Senate Bill No. 0145, Section 67.319, Page 5, Line 53,
by inserting the following after all of said Line:

“321.120. 1. The decree of incorporation shall not become final and conclusive until it
has been submitted to an election of the voters residing within the boundaries described in such
decree, and until it has been assented to by a majority vote of the voters of the district voting on
the question. The decree shall also provide for the holding of the election to vote on the
proposition of incorporating the district, and to select three or five persons to act as the first board
of directors, and shall fix the date for holding the election.

2. The question shall be submitted in substantially the following form:

Shall there be incorporated a fire protection district?

☐ YES ☐ NO

3. The proposition of electing the first board of directors or the election of subsequent
directors may be submitted on a separate ballot or on the same ballot which contains any other
proposition of the fire protection district. The ballot to be used for the election of a director or
directors shall be substantially in the following form:

OFFICIAL BALLOT Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you
favor. (Here state the number of directors to be elected and their term of office.) ELECTION

(Here insert name of district.) Fire Protection District. (Here insert date of election.) FOR
BOARD OF DIRECTORS

..... ☐

..... ☐

..... ☐

4. If a majority of the voters voting on the proposition or propositions voted in favor of
the proposition to incorporate the district, then the court shall enter its further order declaring the
decree of incorporation to be final and conclusive. In the event, however, that the court finds that
a majority of the voters voting thereon voted against the proposition to incorporate the district,
then the court shall enter its further order declaring the decree of incorporation to be void and of

no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified[, provided however, in any county with a charter form of government and with more than two hundred fifty thousand but fewer than three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall hold office for a term of six years and until his or her successor is duly elected and qualified and any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five years and until his or her successor is duly elected and qualified, and thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified]. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of directors of the (Insert name of district) Fire Protection District be increased to five members?

☐ YES ☐ NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall

1 designate the additional board of directors who have been elected by the voters voting thereon as
2 follows: the one receiving the second highest number of votes to hold office for a term of four
3 years, and the one receiving the highest number of votes to hold office for a term of six years from
4 the date of the election of such additional board of directors and until their successors are duly
5 elected and qualified. Thereafter, members of the board shall be elected to serve terms of six
6 years and until their successors are duly elected and qualified[, provided however, in any county
7 with a charter form of government and with more than two hundred fifty thousand but fewer than
8 three hundred fifty thousand inhabitants, any successor elected and qualified in the year 2005 shall
9 hold office for a term of six years and until his or her successor is duly elected and qualified and
10 any successor elected and qualified in the year 2006 or 2007 shall hold office for a term of five
11 years and until his or her successor is duly elected and qualified, and thereafter, members of the
12 board shall be elected to serve terms of four years and until their successors are duly elected and
13 qualified].

14 6. Members of the board of directors in office on the date of an election pursuant to
15 subsection 5 of this section to elect additional members to the board of directors shall serve the
16 term to which they were elected or appointed and until their successors are elected and qualified.”;
17 and

18
19 Further amend said bill by amending the title, enacting clause, and intersectional references
20 accordingly.