

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 591,  
Page 23, Section 287.745, Line 14, by inserting after all of said section and line the following:

“321.015. 1. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section 70.120, shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to:

(1) Members of the organized militia, of the reserve corps, public school employees and notaries public; [, or to]

(2) Fire protection districts located wholly within counties of the second, third or fourth [class or] classification;

(3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;

(4) Fire protection districts located within [first class] counties of the first classification not adjoining any other [first class] county of the first classification; [, nor shall this section apply to]

(5) Fire protection districts located within any county of the first or second [class] classification not having more than nine hundred thousand inhabitants which borders any three [first class] counties of the first classification; [nor shall this section apply to]

(6) Fire protection districts located within any [first class] county of the first classification [without a charter form of government] which adjoins both a [first class] charter county [with a charter form of government] with at least nine hundred thousand inhabitants, and adjoins at least four other counties;

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

1 The term "lucrative office or employment" does not include receiving retirement benefits,  
2 compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five  
3 dollars for each day of service, for service rendered to a fire protection district, the state or any  
4 political subdivision thereof.

5 321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district  
6 at least one year before the election or appointment and be over the age of twenty-five years;  
7 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of  
8 such fire protection district. In the event the person is no longer a resident of the district, the  
9 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.

10 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection  
11 district by paying a ten dollar filing fee and filing a statement under oath that such person  
12 possesses the required qualifications.

13 2. In any fire protection district located in more than one county one of which is a first  
14 class county without a charter form of government having a population of more than one hundred  
15 ninety-eight thousand and not adjoining any other first class county or located wholly within a  
16 first class county as described herein, a resident shall have been a resident of the district for more  
17 than one year to be qualified to serve as a director.

18 3. In any fire protection district located in a county of the third or fourth classification, a  
19 person to be qualified to serve as a director shall be over the age of twenty-five years and shall be  
20 a voter of the district for more than one year before the election or appointment, except that for the  
21 first board of directors in such district, a person need only be a voter of the district for one year  
22 before the election or appointment.

23 4. A person desiring to become a candidate for the first board of directors of the proposed  
24 district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file  
25 with the election authority a statement under oath that such person possesses all of the  
26 qualifications set out in this chapter for a director of a fire protection district. Thereafter, such  
27 candidate shall have the candidate's name placed on the ballot as a candidate for director.

28 5. Any director who has been found guilty of or pled guilty to any felony offense shall  
29 immediately forfeit his or her office.

30 6. No person shall be qualified to serve as a director, nor shall such person's name appear  
31 on the ballot as a candidate for such office, who shall be in arrears for any unpaid or past due  
32 county taxes.

33 321.162. 1. In addition to the qualifications prescribed by law, all members of the board  
34 of directors of a fire protection district first elected or appointed on or after January 1, 2008, shall  
35 attend and complete an educational seminar or conference or other suitable training on the role  
36 and duties of a board member of a fire protection district. The training required under this section

1 shall be conducted by an entity approved by the office of the state fire marshal. The office of the  
2 state fire marshal shall determine the content of the training to fulfill the requirements of this  
3 section. Such training shall include, at a minimum:

- 4 (1) Information relating to the roles and duties of a fire protection district director;
- 5 (2) A review of all state statutes and regulations relevant to fire protection districts;
- 6 (3) State ethics laws;
- 7 (4) State sunshine laws, chapter 610;
- 8 (5) Financial and fiduciary responsibility;
- 9 (6) State laws relating to the setting of tax rates; and
- 10 (7) State laws relating to revenue limitations.

11 2. If any fire protection district board member fails to attend a training session within  
12 twelve months after taking office, the board member shall not be compensated for attendance at  
13 meetings thereafter until the board member has completed such training session.”; and  
14

15 Further amend said bill, Page 24, Section 321.228, Line 30, by inserting after all of said section  
16 and line the following:  
17

18 “321.460. 1. Two or more fire protection districts may consolidate with each other in the  
19 manner hereinafter provided, and only if the districts have one or more common boundaries, in  
20 whole or in part, or are located within the same county, in whole or in part, as to any respective  
21 two of the districts which are so consolidating.

22 2. By a majority vote of each board of directors of each fire protection district included  
23 within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan  
24 shall include the name of the proposed consolidated district, the legal description of the  
25 boundaries of each district to be consolidated, and a legal description of the boundaries of the  
26 consolidated district, the amount of outstanding bonds, if any, of each district proposed to be  
27 consolidated, a listing of the firehouses within each district, and the names of the districts to be  
28 consolidated.

29 3. Each board of the districts approving the plan for proposed consolidation shall duly  
30 certify and file in the office of the clerk of the circuit court of the county in which the district is  
31 located a copy of the plan of consolidation, bearing the signatures of those directors who vote in  
32 favor thereof, together with a petition for consolidation. The petition may be made jointly by all  
33 of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be  
34 deposited with the clerk, on the filing of the petition, against the costs of court.

35 4. The circuit court sitting in and for any county to which the petition is presented is  
36 hereby vested with jurisdiction, power and authority to hear the same, and to approve the

1 consolidation and order such districts consolidated, after holding an election, as hereinafter  
2 provided.

3 5. If the circuit court finds the plan for consolidation to have been duly approved by the  
4 respective boards of directors of the fire protection districts proposed to be consolidated, then the  
5 circuit court shall enter its order of record, directing the submission of the question.

6 6. The order shall direct publication of notice of election, and shall fix the date thereof.  
7 The order shall direct that the elections shall be held to vote on the proposition of consolidating  
8 the districts and to elect three persons, having the qualifications declared in section 321.130 and  
9 being among the then directors of the districts proposed to be consolidated, to become directors of  
10 the consolidated district.

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

12 Shall the ..... Fire Protection Districts and the ..... Fire Protection District be consolidated  
13 into one fire protection district to be known as the ..... Fire Protection District, with tax levies not  
14 in excess of the following amounts: maintenance fund ..... cents per one hundred dollars assessed  
15 valuation; ambulance service ..... cents per one hundred dollars assessed valuation; pension fund  
16 ..... cents per one hundred dollars assessed valuation; and dispatching fund ..... cents per one  
17 hundred dollars assessed valuation?

18 8. If, upon the canvass and declaration, it is found and determined that a majority of the  
19 voters of the districts voting on the proposition or propositions have voted in favor of the  
20 proposition to incorporate the consolidated district, then the court shall then further, in its order,  
21 designate the first board of directors of the consolidated district, who have been elected by the  
22 voters voting thereon, the one receiving the third highest number of votes to hold office until the  
23 first Tuesday in April which is more than one year after the date of election, the one receiving the  
24 second highest number of votes to hold office until two years after the first Tuesday aforesaid, and  
25 the one receiving the highest number of votes until four years after the first Tuesday in April as  
26 aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall  
27 also declare the results of the votes thereon. If the court shall find and determine, upon the  
28 canvass and declaration, that a majority of the voters of the consolidated district have not voted in  
29 favor of the proposition to incorporate the consolidated district, then the court shall enter its order  
30 declaring the proceedings void and of no effect, and shall dismiss the same at the cost of  
31 petitioners.”; and

32  
33 Further amend said bill by amending the title, enacting clause, and intersectional references  
34 accordingly.