

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

Offered By

AMEND House Committee Substitute for Senate Bill No. 668, Page 19, Section 143.115, Line 52, 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.

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

6 321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district  
7 at least one year before the election or appointment and be over the age of twenty-five years;  
8 except as provided in subsections 2 and 3 of this section. The person shall also be a resident of  
9 such fire protection district. In the event the person is no longer a resident of the district, the  
10 person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200.  
11 Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection  
12 district by paying a ten dollar filing fee and filing a statement under oath that such person  
13 possesses the required qualifications.

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

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

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

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

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

34  
35 Further amend said bill and page, Section 321.228, Line 27, by inserting after all of said section  
36 and line, the following:

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

5           2. By a majority vote of each board of directors of each fire protection district included  
6 within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan  
7 shall include the name of the proposed consolidated district, the legal description of the  
8 boundaries of each district to be consolidated, and a legal description of the boundaries of the  
9 consolidated district, the amount of outstanding bonds, if any, of each district proposed to be  
10 consolidated, a listing of the firehouses within each district, and the names of the districts to be  
11 consolidated.

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

18           4. The circuit court sitting in and for any county to which the petition is presented is  
19 hereby vested with jurisdiction, power and authority to hear the same, and to approve the  
20 consolidation and order such districts consolidated, after holding an election, as hereinafter  
21 provided.

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

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

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

31           Shall the ..... Fire Protection Districts and the ..... Fire Protection District be consolidated  
32 into one fire protection district to be known as the ..... Fire Protection District, with tax levies not  
33 in excess of the following amounts: maintenance fund ..... cents per one hundred dollars assessed  
34 valuation; ambulance service ..... cents per one hundred dollars assessed valuation; pension fund  
35 ..... cents per one hundred dollars assessed valuation; and dispatching fund ..... cents per one  
36 hundred dollars assessed valuation?

1           8. If, upon the canvass and declaration, it is found and determined that a majority of the  
2 voters of the districts voting on the proposition or propositions have voted in favor of the  
3 proposition to incorporate the consolidated district, then the court shall then further, in its order,  
4 designate the first board of directors of the consolidated district, who have been elected by the  
5 voters voting thereon, the one receiving the third highest number of votes to hold office until the  
6 first Tuesday in April which is more than one year after the date of election, the one receiving the  
7 second highest number of votes to hold office until two years after the first Tuesday aforesaid, and  
8 the one receiving the highest number of votes until four years after the first Tuesday in April as  
9 aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall  
10 also declare the results of the votes thereon. If the court shall find and determine, upon the  
11 canvass and declaration, that a majority of the voters of the consolidated district have not voted in  
12 favor of the proposition to incorporate the consolidated district, then the court shall enter its order  
13 declaring the proceedings void and of no effect, and shall dismiss the same at the cost of  
14 petitioners.”; and

15  
16 Further amend said bill by amending the title, enacting clause, and intersectional references  
17 accordingly.