

FIRST REGULAR SESSION

# HOUSE BILL NO. 359

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROEBER.

0921H.011

DANA RADEMAN MILLER, Chief Clerk

## AN ACT

To amend chapter 321, RSMo, by adding thereto one new section relating to fire protection districts.

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

Section A. Chapter 321, RSMo, is amended by adding thereto one new section, to be known as section 321.480, to read as follows:

**321.480. 1. As used in this section, "city" means any city of the fourth classification with more than five thousand but fewer than five thousand five hundred inhabitants and located in any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants.**

**2. Any city that:**

**(1) Either maintains a fire department or contracts for fire protection and ambulance services; and**

**(2) Has an area within its city limits that is also within a fire protection district**

**may preclude the fire protection district from providing service within the city and remove the area within the city from the fire protection district.**

**3. To remove the area within the city from the fire protection district, the city shall file a notice with the board of directors of the fire protection district that states the city's intent to detach the area or a portion of the area from the fire protection district. The notice shall describe the area to be detached from the fire protection district in the form of a legal description and a map. The city may only file the notice if the action is authorized by ordinance.**

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.

20           4. (1) After filing notice with the fire protection district, the city shall conduct a  
21 public hearing on whether to detach the area from the fire protection district.

22           (2) Notice for the public hearing shall be published in a newspaper of general  
23 circulation qualified to publish legal matters in the county where the subject area is located  
24 for at least once a week for three consecutive weeks prior to the hearing, with the last  
25 notice being no sooner than twenty days and no later than ten days before the hearing.  
26 The city shall also give notice to the affected fire protection district by regular mail sent at  
27 least fifteen days before the public hearing. The city shall also make a good faith effort to  
28 notify all fee owners of record within the area proposed to be detached from the fire  
29 protection district by regular mail sent at least fifteen days before the public hearing. The  
30 hearing may be continued to another date without further notice other than a motion to  
31 be entered upon the minutes fixing the date, time, and place of the subsequent hearing.

32           (3) At the public hearing, the city shall present its reasons for why it desires to  
33 detach the area from the fire protection district and its plan to provide or cause to be  
34 provided fire protection and ambulance services to the area to be detached. All persons  
35 present at the public hearing shall be given an opportunity to be heard.

36           5. Following the public hearing, the governing body of the city may approve the  
37 detachment of the area from the fire protection district by ordinance, which shall not  
38 become effective except by the favorable vote of at least two-thirds of all members of the  
39 governing body of the city.

40           6. Upon duly enacting the detachment ordinance, the city shall cause the ordinance  
41 to be filed with the county assessor; the clerk of the county in which the city is located; and  
42 the election authority of the detached area, if different from the clerk of the county which  
43 has jurisdiction over the detached area.

44           7. Upon the effective date of the ordinance, which may be up to one year from the  
45 date of its passage and approval, the fire protection district shall no longer provide or  
46 cause to be provided fire protection and ambulance services to the detached area and shall  
47 no longer levy and collect any tax upon the property located within the detached area.  
48 However, all real property located within the detached area shall be subject to the levy of  
49 taxes for the payment of any indebtedness of the fire protection district outstanding as of  
50 the ordinance's effective date.

51           8. This section shall not apply in any county in which a boundary commission has  
52 been established under section 72.400.

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