

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 594, Page 47, Section 262.760, Line 15, by inserting the following after all of said
3 section and line:
4

5 "321.300. 1. The boundaries of any district organized pursuant to the provisions of this
6 chapter may be changed in the manner prescribed in this section; but any change of boundaries of
7 the district shall not impair or affect its organization or its rights in or to property, or any of its rights
8 or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or
9 charge for or upon which it might be liable or chargeable had any change of boundaries not been
10 made.

11 2. The boundaries may be changed as follows:

12 (1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial
13 election in the area to be annexed may file with the board a petition in writing praying that such real
14 property be included within the district; provided that in the case of a municipality having less than
15 twenty percent of its total population in one fire protection district, the entire remaining portion may
16 be included in another district so that none of the city is outside of a fire protection district at the
17 time. The petition shall describe the property to be included in the district and shall describe the
18 property owned by the petitioners and shall be deemed to give assent of the petitioners to the
19 inclusion in the district of the property described in the petition; and such petition shall be in
20 substantially the form set forth in section 321.495 dealing with referendums and verified in like
21 manner; provided, however, that in the event that there are more than twenty-five property owners
22 or taxpaying electors signing the petition, it shall be deemed sufficient description of their property
23 in the petition as required in this section to list the addresses of such property; or

24 (2) All of the owners of any territory or tract of land near or adjacent to a fire protection
25 district who own all of the real estate in such territory or tract of land may file a petition with the
26 board praying that such real property be included in the district. The petition shall describe the
27 property owned by the petitioners and shall be deemed to give assent of the petitioners to the
28 inclusion in the district of the property described in the petition;

29 (3) Notwithstanding any provision of law to the contrary, in any fire protection district
30 which is partly or wholly located in a noncharter county of the first classification with a population
31 of less than one hundred thousand which adjoins any county of the first classification with a charter
32 form of government with a population of nine hundred thousand or more inhabitants, if such fire
33 protection district serves any portion of a city which is located in both such counties, the boundaries
34 of the district may be expanded so as to include the entire city within the fire protection district, but
35 the boundaries of the district shall not be expanded beyond the city limits of such city, as the
36 boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district

Action Taken _____ Date _____

shall be accomplished only if twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed file with the board a petition in writing praying that such real property be included within the district. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner.

(4) Notwithstanding any provision of law to the contrary, if a fire protection district located in a county with a charter form of government with a population of nine hundred thousand or more inhabitants serves any portion of a city with a charter form of government that has a municipal fire department, the boundaries of the fire protection district may be extended to serve other portions of the city. However, no boundaries shall be extended beyond the city limits of the city, as they existed on July 1, 2020. To extend the fire protection district boundaries, the governing body of the city shall file a written notice of consent with the fire protection district board. If the fire protection district board endorses the notice of consent, the fire protection district board shall petition the circuit court that has jurisdiction over the district to order the extension of the district boundaries to the area described in the notice of consent at an election held for that purpose. The question shall be submitted to the registered voters who reside within the area described in the notice of consent in substantially the following form:

Shall the boundaries of the _____ Fire Protection District be extended to include the following property? (Property description.)

☐ YES ☐ NO

If a majority of the votes cast by the qualified voters voting thereon are in favor of the question, the court shall enter its further order declaring the decree of extension of the fire protection district boundaries to be final and conclusive. If a majority of the votes cast by the qualified voters voting thereon are opposed to the question, the court shall enter its further order declaring the extension of the fire protection district boundaries to be void and of no effect.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems it for the best interest of the district that some portion of the property in the petition not be included in the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction over the district, the property shall be included in the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial

1 election in the area to be annexed pursuant to subdivision (1) or subdivision (3) of subsection 2 of
2 this section, the property shall be included in the district subject to the election provided in section
3 321.301. The circuit court having jurisdiction over the district shall proceed to make any such order
4 including such additional property within the district as is provided in the order of the board, unless
5 the court shall find that such order of the board was not authorized by law or that such order of the
6 board was not supported by competent and substantial evidence.

7 5. Any person aggrieved by any decision of the board made pursuant to the provisions of
8 this section may appeal that decision to the circuit court of the county in which the property is
9 located within thirty days of the decision by the board.

10 6. No fire protection district, or employee thereof, in which territory is annexed pursuant to
11 this section shall be required to comply with any prescribed firefighter training program or regimen
12 which would not otherwise apply to the district or its employees, but for the requirements applicable
13 to the annexed territory."; and
14

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