

HOUSE AMENDMENT NO. _____
TO
HOUSE AMENDMENT NO. _____

Offered By

AMEND House Amendment No. _____ to House Committee Substitute for Senate Bill No. 552,
Page 6, Line 29, by inserting after said line the following:

"Further amend said bill, Page 47, Section 238.216, Line 114, by inserting after said section and line
the following:

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

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial
election in the area to be annexed may file with the board a petition in writing praying that such real
property be included within the district; provided that in the case of a municipality having less than
twenty percent of its total population in one fire protection district, the entire remaining portion may
be included in another district so that none of the city is outside of a fire protection district at the
time. 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; provided, however, that in the event that there are more than twenty-five property owners
or taxpaying electors signing the petition, it shall be deemed sufficient description of their property
in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a fire protection
district who own all of the real estate in such territory or tract of land may file a petition with the
board praying that such real property be included in the district. The petition 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;

(3) Notwithstanding any provision of law to the contrary, in any fire protection district
which is partly or wholly located in a noncharter county of the first classification with a population
of less than one hundred thousand which adjoins any county of the first classification with a charter
form of government with a population of nine hundred thousand or more inhabitants, if such fire

Action Taken _____ Date _____

1 protection district serves any portion of a city which is located in both such counties, the boundaries
 2 of the district may be expanded so as to include the entire city within the fire protection district, but
 3 the boundaries of the district shall not be expanded beyond the city limits of such city, as the
 4 boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district
 5 shall be accomplished only if twenty-five percent of the number of voters who voted in the most
 6 recent gubernatorial election in the area to be annexed file with the board a petition in writing
 7 praying that such real property be included within the district. The petition shall describe the
 8 property to be included in the district and shall describe the property owned by the petitioners and
 9 shall be deemed to give assent of the petitioners to the inclusion in the district of the property
 10 described in the petition; and such petition shall be in substantially the form set forth in section
 11 321.495 dealing with referendums and verified in like manner.

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

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

26 ☐ YES ☐ NO

27
 28 If a majority of the votes cast by the qualified voters voting thereon are in favor of the question, the
 29 court shall enter its further order declaring the decree of extension of the fire protection district
 30 boundaries to be final and conclusive. If a majority of the votes cast by the qualified voters voting
 31 thereon are opposed to the question, the court shall enter its further order declaring the extension of
 32 the fire protection district boundaries to be void and of no effect.

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

44 4. If the board deems it for the best interest of the district, it shall grant the petition, but if
 45 the board determines that some portion of the property mentioned in the petition cannot as a
 46 practical matter be served by the district, or if it deems it for the best interest of the district that some
 47 portion of the property in the petition not be included in the district, then the board shall grant the
 48 petition in part only. If the petition is granted, the board shall make an order to that effect and file
 49 the same with the circuit clerk; and upon the order of the court having jurisdiction over the district,

1 the property shall be included in the district. If the petition contains the signatures of all the owners
2 of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the
3 property shall be included in the district upon the order of the court. If the petition contains the
4 signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial
5 election in the area to be annexed pursuant to subdivision (1) or subdivision (3) of subsection 2 of
6 this section, the property shall be included in the district subject to the election provided in section
7 321.301. The circuit court having jurisdiction over the district shall proceed to make any such order
8 including such additional property within the district as is provided in the order of the board, unless
9 the court shall find that such order of the board was not authorized by law or that such order of the
10 board was not supported by competent and substantial evidence.

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

14 6. No fire protection district, or employee thereof, in which territory is annexed pursuant to
15 this section shall be required to comply with any prescribed firefighter training program or regimen
16 which would not otherwise apply to the district or its employees, but for the requirements applicable
17 to the annexed territory."; and"; and
18

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

21
22 THIS AMENDS AMENDMENT 3674H04.16H