

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute  
2 for Senate Bill No. 523, Page 85, Section 320.091, Line 18, by inserting after all of said section and  
3 line the following:  
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 \_\_\_\_\_

1 shall be accomplished only if twenty-five percent of the number of voters who voted in the most  
 2 recent gubernatorial election in the area to be annexed file with the board a petition in writing  
 3 praying that such real property be included within the district. The petition shall describe the  
 4 property to be included in the district and shall describe the property owned by the petitioners and  
 5 shall be deemed to give assent of the petitioners to the inclusion in the district of the property  
 6 described in the petition; and such petition shall be in substantially the form set forth in section  
 7 321.495 dealing with referendums and verified in like manner.

8 (4) Notwithstanding any provision of law to the contrary, if one or more fire protection  
 9 districts serve any portion of a city with a charter form of government that has a municipal fire  
 10 department and is located in a county with a charter form of government with a population of nine  
 11 hundred thousand or more inhabitants, the boundaries of any district may be expanded so as to  
 12 include areas within the city into the boundaries of a fire protection district, but the boundaries of  
 13 any district shall not be expanded beyond the city limits of such city, as the boundaries of such city  
 14 existed on July 1, 2020. Such change in the district boundaries shall be accomplished pursuant to  
 15 the provisions of this subdivision only if the governing body of such city shall file with the board of  
 16 any such fire protection district a written consent for the board to seek approval of the circuit court  
 17 having jurisdiction over the district for extension of the district's boundaries and to submit the  
 18 question of extension of the district's boundaries to the registered voters of the area described in the  
 19 city's consent with respect to that district. If the board of directors of the fire protection district or  
 20 districts endorse the consent filed by such city, the district may petition the circuit court having  
 21 jurisdiction over such district to order the extension of the district's boundaries to include the area  
 22 described in the city's written consent with respect to that district subject to approval at an election  
 23 held for that purpose. At such election, the question shall be submitted to the registered voters of  
 24 the area to be included in a fire protection district in substantially the following form:

25 Shall the boundaries of the \_\_\_\_\_ Fire Protection District be extended to include  
 26 the following described property (Describe property)?

27  YES  NO

28 If a majority of the voters voting on the proposition vote in favor of the extension of the boundaries  
 29 of that district, then the court shall enter an order declaring the extension of the boundaries of that  
 30 fire protection district to be final and conclusive. In the event, however, that the court finds that a  
 31 majority of the voters voting in the area to be included in a fire protection district voted against the  
 32 proposition to extend the boundaries of that district, then the court shall enter its further order  
 33 declaring the extension of boundaries of that district to be void and of no effect.

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

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

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

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

15 6. No fire protection district, or employee thereof, in which territory is annexed pursuant to  
16 this section shall be required to comply with any prescribed firefighter training program or regimen  
17 which would not otherwise apply to the district or its employees, but for the requirements applicable  
18 to the annexed territory."; and  
19

20 Further amend said bill, Page 131, Section D, Line 5, by inserting after all of said section and line  
21 the following:  
22

23 "Section E. Because of the need to submit a question to the voters in a timely manner, the  
24 repeal and reenactment of section 321.300 of this act is deemed necessary for the immediate  
25 preservation of the public health, welfare, peace and safety, and is hereby declared to be an  
26 emergency act within the meaning of the constitution, and the repeal and reenactment of section  
27 321.300 of this act shall be in full force and effect upon its passage and approval."; and  
28

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