

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

Offered By \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Bill No. 186, Page 3, Section 56.601, Line 50, by  
2 inserting after all of said section and line the following:

3  
4 "72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created  
5 pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire  
6 protection services, including emergency medical services, if such city formerly consisted of  
7 unincorporated areas in the county or municipalities in the county, or both, which are provided fire  
8 protection services and emergency medical services by one or more fire protection districts. Such  
9 fire protection districts shall continue to provide services to the area comprising the new city and  
10 may levy and collect taxes the same as such districts had prior to the creation of such new city.

11 2. Fire protection districts serving the area included within any annexation by a city having  
12 a fire department, including simplified boundary changes, shall continue to provide fire protection  
13 services, including emergency medical services to such area. The annexing city shall pay annually  
14 to the fire protection district an amount equal to that which the fire protection district would have  
15 levied on all taxable property within the annexed area. Such annexed area shall not be subject to  
16 taxation for any purpose thereafter by the fire protection district except for bonded indebtedness by  
17 the fire protection district which existed prior to the annexation. The amount to be paid annually by  
18 the municipality to the fire protection district pursuant hereto shall be a sum equal to the annual  
19 assessed value multiplied by the annual tax rate as certified by the fire protection district to the  
20 municipality, including any portion of the tax created for emergency medical service provided by  
21 the district, per one hundred dollars of assessed value in such area. The tax rate so computed shall  
22 include any tax on bonded indebtedness incurred subsequent to such annexation, but shall not  
23 include any portion of the tax rate for bonded indebtedness incurred prior to such annexation.  
24 Notwithstanding any other provision of law to the contrary, the residents of an area annexed on or  
25 after May 26, 1994, may vote in all fire protection district elections and may be elected to the fire  
26 protection district board of directors.

27 3. The fire protection district may approve or reject any proposal for the provision of fire  
28 protection and emergency medical services by a city.

29 4. Notwithstanding any other provision of law to the contrary, no city shall have any  
30 obligation to make any payments for the provision of fire protection services for any territory or  
31 tract of land included in a fire protection district pursuant to subsection 3 of section 321.300."; and  
32

33 Further amend said bill, Page 6, Section 301.3175, Line 32, by inserting after all of said section and  
34 line the following:

35  
36 "321.300. 1. The boundaries of any district organized pursuant to the provisions of this

Action Taken \_\_\_\_\_ Date \_\_\_\_\_



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 protection district serves any portion of a city which is located in both such counties, the boundaries of the district may be expanded so as to include the entire city within the fire protection district, but the boundaries of the district shall not be expanded beyond the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district 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.

3. Notwithstanding any other provision of chapter 321 to the contrary, in any county with a charter form of government where fifty or more cities, towns and villages have been established any territory or tract of land in a city with a population greater than twenty-four thousand but less than twenty-eight thousand, which territory or tract of land was previously excluded from a fire protection district following a municipal annexation and which receives fire protection and emergency medical services from that fire protection district, may be also included in that fire protection district as follows:

(1) Any owner of property within a territory or tract of land proposed to be included in the fire protection district serving that territory or tract of land may file a petition with the board of directors of the fire protection district. If the county election authority determines there were no registered voters residing within the territory or tract of land as of the date of the earliest signature



1 on the petition, no election as provided in section 321.301 shall be held with regard to inclusion of  
 2 such a territory or tract of land.

3 (2) If the petition does not include the signatures of all property owners within the territory  
 4 or tract of land, the board of directors of the fire protection district shall schedule a public hearing  
 5 and provide notice of the filing of the petition as provided in subsection 4 of this section, at which  
 6 the board shall determine whether to grant the petition or part thereof, as provided in subsection 5 of  
 7 this section.

8 (3) If the board grants the petition, in whole or in part, any person aggrieved by the decision  
 9 of the board may appeal the decision as provided for in subsection 6 of this section.

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

21 [4.] 5. If the board deems it for the best interest of the district, it shall grant the petition, but  
 22 if the board determines that some portion of the property mentioned in the petition cannot as a  
 23 practical matter be served by the district, or if it deems it for the best interest of the district that some  
 24 portion of the property in the petition not be included in the district, then the board shall grant the  
 25 petition in part only. If the petition is granted, the board shall make an order to that effect and file  
 26 the same with the circuit clerk; and upon the order of the court having jurisdiction over the district,  
 27 the property shall be included in the district. If the petition contains the signatures of all the owners  
 28 of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the  
 29 property shall be included in the district upon the order of the court. If the petition contains the  
 30 signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial  
 31 election in the area to be annexed pursuant to subdivision (1) or subdivision (3) of subsection 2 of  
 32 this section, the property shall be included in the district subject to the election provided in section  
 33 321.301. The circuit court having jurisdiction over the district shall proceed to make any such order  
 34 including such additional property within the district as is provided in the order of the board, unless  
 35 the court shall find that such order of the board was not authorized by law or that such order of the  
 36 board was not supported by competent and substantial evidence.

37 [5.] 6. Any person aggrieved by any decision of the board made pursuant to the provisions  
 38 of this section may appeal that decision to the circuit court of the county in which the property is  
 39 located within thirty days of the decision by the board.

40 [6.] 7. No fire protection district, or employee thereof, in which territory is annexed  
 41 pursuant to this section shall be required to comply with any prescribed firefighter training program  
 42 or regimen which would not otherwise apply to the district or its employees, but for the  
 43 requirements applicable to the annexed territory."; and

44  
 45 Further amend said bill by amending the title, enacting clause, and intersectional references  
 46 accordingly.