

# HOUSE BILL NO. 2078

## 102ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SMITH (155).

4593H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To repeal section 320.300, RSMo, and to enact in lieu thereof two new sections relating to volunteer fire protection associations.

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

Section A. Section 320.300, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 320.300 and 320.322, to read as follows:

320.300. As used in sections 320.300 to ~~[320.310]~~ **320.322**, the phrase "volunteer fire protection association" means any fire department, including a municipal fire department, which is staffed by volunteers and organized for the purpose of combating fires in a specified area. The provisions of sections 320.300 to ~~[320.310]~~ **320.322** shall apply only to volunteer fire protection associations either partially or wholly funded by membership or subscriber fees and shall not apply to fire protection districts supported by local tax revenues, or which have contracted with a political subdivision to respond to fires within the area of an association's boundaries.

**320.322. 1. (1) The county commission of each county, upon a request filed with the county clerk by one or more volunteer fire protection associations in the county, may adopt an ordinance that authorizes the county collector to collect and remit to the volunteer fire protection association the annual dues charged by the volunteer fire protection association in consideration of providing fire protection to unincorporated areas in the county.**

**(2) In any incorporated town or city that is not served by a fire protection association and that is located within the service area of a volunteer fire protection association, the governing body of the town or city, upon request filed with the**

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.

10 governing body by the volunteer fire protection association, may adopt an ordinance  
11 that authorizes the county collector to collect and remit to the volunteer fire protection  
12 association the annual dues charged by the volunteer fire protection association in  
13 consideration of providing fire protection to the incorporated town or city.

14 2. To request an ordinance described under subsection 1 of this section, the fire  
15 chief, chair, and secretary of the board of directors, if any, of a volunteer fire protection  
16 association shall sign a request and file such request with the county clerk. The county  
17 clerk shall notify the county commission or governing body of the incorporated town or  
18 city, as applicable.

19 3. (1) Upon receiving notice, the county commission, or governing body of an  
20 incorporated town or city, shall by ordinance call for an election to pose the question to  
21 voters of whether to levy volunteer fire association dues on each residence and on each  
22 business having an occupiable structure within the volunteer fire protection association  
23 service area. The question may be placed on the ballot at a general, primary, or special  
24 election by order of the county commission or governing body of an incorporated town  
25 or city. If the question is posed at a special election for that purpose, the volunteer fire  
26 protection association that requested the levy shall bear the cost of the election.

27 (2) (a) The ordinance shall set forth the terms and conditions on which the  
28 volunteer fire protection association dues are to be collected by the county and remitted  
29 to the volunteer fire protection association.

30 (b) One such term shall allow the volunteer fire protection association the  
31 discretion to waive the dues of an active member of the volunteer fire protection  
32 association in consideration of the member providing services to the volunteer fire  
33 protection association and to waive the dues of a church if the church is exempt from  
34 real property taxes.

35 (c) No county or incorporated town or city shall levy volunteer fire protection  
36 association dues in excess of one hundred dollars per year unless approved by the voters  
37 in the same way as the initial levy of the annual dues. The ordinance shall state the  
38 annual dues amount to be collected.

39 (3) The county commission, by majority vote, may designate the geographical  
40 area that a volunteer fire protection association serves. Upon request by a volunteer fire  
41 protection association, the volunteer fire protection association may serve an area in  
42 multiple counties if the county commission of each county authorizes the volunteer fire  
43 protection association to extend its geographical service area across the county  
44 boundary lines.

45 (4) Nothing in this section prevents the county commission from establishing its  
46 own countywide fire protection association, either regular or voluntary.

47           **4. If a majority of the voters voting on the question are in favor of the question,**  
48 **the county collector shall collect annual dues for the volunteer fire protection**  
49 **association. If a majority of voters voting on the question are against the question,**  
50 **the county collector shall not collect annual dues for the volunteer fire protection**  
51 **association and the question shall not again be submitted to voters for at least one year.**

52           **5. (1) Upon voter approval, volunteer fire protection association dues shall be**  
53 **listed annually on real property tax statements and collected by the county collector at**  
54 **the same time and in the same manner as real property taxes, and the county collector,**  
55 **or other county official designated for the task, shall remit the revenue collected to the**  
56 **volunteer fire protection association.**

57           **(2) The county collector or other official designated to remit the revenue**  
58 **collected may deduct and retain an amount equal to three percent of the volunteer fire**  
59 **protection association dues collected for administrative costs.**

60           **(3) The county collector shall report delinquencies to the volunteer fire**  
61 **protection association for collection.**

62           **(4) The county collector or official designated to remit the volunteer fire**  
63 **protection association dues shall not remit the dues collected until the annual report**  
64 **described under subsection 7 of this section has been filed.**

65           **6. A volunteer fire protection association may collect volunteer fire protection**  
66 **association dues that have become delinquent and may enforce collection by proceedings**  
67 **in a court of proper jurisdiction.**

68           **7. Before December fifteenth of each year or upon the creation of a volunteer fire**  
69 **protection association, a volunteer fire protection association that uses or intends to use**  
70 **the county collector for collection of the volunteer fire protection association dues shall**  
71 **file an annual report with the county clerk in each county in which a portion of service**  
72 **area of the volunteer fire protection association is located. The county clerk shall not**  
73 **charge any costs or fees for filing the annual report. The volunteer fire protection**  
74 **association shall deliver a filed copy of the annual report to the county collector within**  
75 **five days of filing. The annual report shall contain the following information as of**  
76 **December fifteenth of the current calendar year:**

77           **(1) The identity of the volunteer fire protection association board members and**  
78 **their contact information;**

79           **(2) The identity and contact information of the volunteer fire protection**  
80 **association chief;**

81           **(3) The person who will receive the collected volunteer fire protection association**  
82 **dues on behalf of the volunteer fire protection association; and**

83           **(4) The amount of the annual dues charged by the volunteer fire protection**  
84 **association by parcel or on each residence or business having an occupiable structure.**

85           **8. This section applies to all volunteer fire protection associations, however**  
86 **organized.**

87           **9. This section does not change the authority of counties to enter into reciprocal**  
88 **agreements or to distribute county funds.**

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WITHDRAWN