

FIRST REGULAR SESSION

HOUSE BILL NO. 533

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DIEHL.

1184H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 321.220, RSMo, and to enact in lieu thereof one new section relating to fire protection districts.

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

Section A. Section 321.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.220, to read as follows:

321.220. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

(1) To have perpetual existence;

(2) To have and use a corporate seal;

(3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

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.

17 (5) Upon approval of the voters as herein provided, to borrow money and incur
18 indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds,
19 in accordance with the provisions of this chapter;

20 (6) To acquire, construct, purchase, maintain, dispose of and encumber real and
21 personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary
22 equipment therefor, and any interest therein, including leases and easements;

23 (7) To refund any bonded indebtedness of the district without an election. The terms
24 and conditions of refunding bonds shall be substantially the same as those of the original issue
25 of bonds, and the board shall provide for the payment of interest, at not to exceed the legal
26 rate, and the principal of such refunding bonds in the same manner as is provided for the
27 payment of interest and principal of bonds refunded;

28 (8) To have the management, control and supervision of all the business and affairs of
29 the district, and the construction, installation, operation and maintenance of district
30 improvements therein;

31 (9) To hire and retain agents, employees, engineers and attorneys, including part-time
32 or volunteer firemen;

33 (10) To have and exercise the power of eminent domain and in the manner provided
34 by law for the condemnation of private property for public use to take any property within the
35 district necessary to the exercise of the powers herein granted;

36 (11) To receive and accept by bequest, gift or donation any kind of property.
37 Notwithstanding any other provision of law to the contrary, any property received by the fire
38 protection district as a gift or any property purchased by the fire protection district at a price
39 below the actual market value of the property may be returned to the donor or resold to the
40 seller if such property is not used for the specific purpose for which it was acquired;

41 (12) **(a)** To adopt and amend bylaws, fire protection and fire prevention ordinances,
42 and any other rules and regulations not in conflict with the constitution and laws of this state,
43 necessary for the carrying on of the business, objects and affairs of the board and of the
44 district, and refer to the proper authorities for prosecution any infraction thereof detrimental
45 to the district. Any person violating any such ordinance is hereby declared to be guilty of a
46 misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor.
47 The prosecuting attorney for the county in which the violation occurs shall prosecute such
48 violations in the circuit court of that county. The legal officer or attorney for the fire district
49 may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the
50 prosecution of any such violation. The enactments of the fire district in delegating
51 administrative authority to officials of the district may provide standards of action for the
52 administrative officials, which standards are declared as industrial codes adopted by
53 nationally organized and recognized trade bodies. The board shall have the power to adopt an

54 ordinance, rule, or regulation allowing the district to charge individuals who reside outside of
55 the district, but who receive emergency services within the boundaries of the district, for the
56 actual and reasonable cost of such services. However, such actual and reasonable costs shall
57 not exceed one hundred dollars for responding to each fire call or alarm and two hundred fifty
58 dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or
59 emergency;

60 **(b) Notwithstanding paragraph (a) of this subdivision, fire protection and fire**
61 **prevention ordinances shall not be exercised so as to impose regulations or require**
62 **permits with respect to the erection, maintenance, repair, alteration, or extension of**
63 **farm buildings or farm structures;**

64 (13) To pay all court costs and expenses connected with the first election or any
65 subsequent election in the district;

66 (14) To have and exercise all rights and powers necessary or incidental to or implied
67 from the specific powers granted herein. Such specific powers shall not be considered as a
68 limitation upon any power necessary or appropriate to carry out the purposes and intent of this
69 chapter;

70 (15) To provide for health, accident, disability and pension benefits for the salaried
71 members of its organized fire department of the district and such other benefits for their
72 spouses and eligible unemancipated children, through either or both a contributory or
73 noncontributory plan. For purposes of this section, "eligible unemancipated child" means a
74 natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the
75 insured, who is less than twenty-three years of age, who is not married, not employed on a
76 full-time basis, not maintaining a separate residence except for full-time students in an
77 accredited school or institution of higher learning, and who is dependent on parents or
78 guardians for at least fifty percent of his or her support. The type and amount of such benefits
79 shall be determined by the board of directors of the fire protection district within the level of
80 available revenues of the pension program and other available revenues of the district. If an
81 employee contributory plan is adopted, then at least one voting member of the board of
82 trustees shall be a member of the fire district elected by the contributing members, which
83 shall not be the same as the board of directors;

84 (16) To contract with any municipality that is contiguous to a fire protection district
85 for the fire protection district to provide fire protection to the municipality for a fee as
86 hereinafter provided;

87 (17) To provide for life insurance, accident, sickness, health, disability, annuity,
88 length of service, pension, retirement and other employee-type fringe benefits, subject to the
89 provisions of section 70.615, for the volunteer members of any organized fire department of
90 the district and such other benefits for their spouses and eligible unemancipated children,

91 through either a contributory or noncontributory plan, or both. For purposes of this section,
92 "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild
93 of an insured who is domiciled with the insured, who is less than twenty-three years of age,
94 who is not married, not employed on a full-time basis, not maintaining a separate residence
95 except for full-time students in an accredited school or institution of higher learning, and who
96 is dependent on parents or guardians for at least fifty percent of his or her support. The type
97 and amount of such benefits shall be determined by the board of directors of the fire
98 protection district within available revenues of the district, including the pension program of
99 the district. The provision and receipt of such benefits shall not make the recipient an
100 employee of the district. Directors who are also volunteer members may receive such
101 benefits while serving as a director of the district;

102 (18) To contract for services with any rural, volunteer or subscription fire department
103 or organization, or volunteer fire protection association, as defined in section 320.300, for the
104 purpose of providing the benefits described in subdivision (17) of this section.

✓