

SECOND REGULAR SESSION

HOUSE BILL NO. 3296

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SIMMONS.

7176H.011

JOSEPH ENGLER, 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Section A. Section 321.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.220, to read as follows: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~~ **fifty** 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) To adopt and amend bylaws, fire protection and fire prevention ordinances, and
42 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. However, fire protection and fire prevention ordinances shall not be exercised
46 so as to impose regulations or to require permits with respect to the erection, maintenance,
47 repair, alteration, or extension of farm buildings or farm structures. Any person violating any
48 such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof
49 shall be punished as is provided by law therefor. The prosecuting attorney for the county in
50 which the violation occurs shall prosecute such violations in the circuit court of that county.
51 The legal officer or attorney for the fire district may be appointed by the prosecuting attorney
52 as special assistant prosecuting attorney for the prosecution of any such violation. The
53 enactments of the fire district in delegating administrative authority to officials of the district

54 may provide standards of action for the administrative officials, which standards are declared
55 as industrial codes adopted by nationally organized and recognized trade bodies. The board
56 shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge
57 individuals who reside outside of the district, but who receive emergency services within the
58 boundaries of the district, for the actual and reasonable cost of such services. However, such
59 actual and reasonable costs shall not exceed one hundred dollars for responding to each fire
60 call or alarm and two hundred fifty dollars for each hour or a proportional sum for each
61 quarter hour spent in combating a fire or emergency;

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

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

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

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

85 (17) To provide for life insurance, accident, sickness, health, disability, annuity,
86 length of service, pension, retirement and other employee-type fringe benefits, subject to the
87 provisions of section 70.615, for the volunteer members of any organized fire department of
88 the district and such other benefits for their spouses and eligible unemancipated children,
89 through either a contributory or noncontributory plan, or both. For purposes of this section,
90 "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild

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

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

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