

SECOND REGULAR SESSION

# HOUSE BILL NO. 3474

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JONES (88).

7474H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To repeal section 321.220, RSMo, and to enact in lieu thereof one new section relating to a fire protection district service fee, with penalty provisions.

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*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Section A. Section 321.220, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.220, to read as follows: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) 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 **businesses or individuals, and their insurance company as defined in section 376.020,**  
58 **unless coverage for fire district responses is explicitly excluded under the business' or**  
59 **individual's applicable insurance policy, [~~who reside outside of the district, but~~] who**  
60 receive emergency services within the boundaries of the district, for the actual and reasonable  
61 cost of such services, **except that individuals who reside within the district, and**  
62 **businesses with a physical address within the district, shall not be subject to such**  
63 **charges.** However, such actual and reasonable costs shall not exceed one hundred dollars for  
64 responding to each fire call or alarm and two hundred fifty dollars for each hour or a  
65 proportional sum for each quarter hour spent in [~~combating~~] **responding to** a fire or  
66 emergency;

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

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

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

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

90 (17) To provide for life insurance, accident, sickness, health, disability, annuity,  
91 length of service, pension, retirement and other employee-type fringe benefits, subject to the  
92 provisions of section 70.615, for the volunteer members of any organized fire department of  
93 the district and such other benefits for their spouses and eligible unemancipated children,  
94 through either a contributory or noncontributory plan, or both. For purposes of this section,  
95 "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild  
96 of an insured who is domiciled with the insured, who is less than twenty-three years of age,  
97 who is not married, not employed on a full-time basis, not maintaining a separate residence  
98 except for full-time students in an accredited school or institution of higher learning, and who  
99 is dependent on parents or guardians for at least fifty percent of his or her support. The type  
100 and amount of such benefits shall be determined by the board of directors of the fire  
101 protection district within available revenues of the district, including the pension program of  
102 the district. The provision and receipt of such benefits shall not make the recipient an  
103 employee of the district. Directors who are also volunteer members may receive such  
104 benefits while serving as a director of the district;

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

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