SECOND REGULAR SESSION

# HOUSE BILL NO. 1961

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TOALSON REISCH.

## AN ACT

To repeal section 321.320 as enacted by house bill no. 1446, ninety-ninth general assembly, second regular session, and section 321.320 as enacted by house bill no. 322, seventy-fifth general assembly, first regular session, and to enact in lieu thereof one new section relating to fire protection districts, with an emergency clause.

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

Section A.  Section 321.320 as enacted by house bill no. 1446, ninety-ninth general
2 assembly, second regular session, and section 321.320 as enacted by house bill no. 322,
3 seventy-fifth general assembly, first regular session, are repealed and one new section enacted
4 in lieu thereof, to be known as section 321.320, to read as follows:

[321.320.  1.  Except as otherwise provided in this section, if any
2 property, located within the boundaries of a fire protection district, is included
3 within a city having a population of forty thousand inhabitants or more, which
4 city is not wholly within the fire protection district, and which city maintains a
5 city fire department, the property is excluded from the fire protection district.
6     2.  Notwithstanding any provision of law to the contrary, unless
7 otherwise approved by a majority vote of the governing body of the
8 municipality and a majority vote of the governing body of the fire protection
9 district, or otherwise approved by a majority vote of the qualified voters in the
10 municipality and a majority vote of the qualified voters in the fire protection
11 district, a fire protection district serving an area included within any
12 annexation by a municipality located in any county of the first classification
13 with more than one hundred fifty thousand but fewer than two hundred
14 thousand inhabitants, or an area included within any annexation by a
15 municipality in a county having a charter form of government, approved by a

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.

16  ~~vote after January 1, 2008, including simplified boundary changes, shall,~~
17  ~~following the annexation:~~
18  ~~(1)  Continue to provide fire protection services, including emergency~~
19  ~~medical services to such area;~~
20  ~~(2)  Levy and collect any tax upon all taxable property included within~~
21  ~~the annexed area authorized under chapter 321;~~
22  ~~(3)  Enforce any fire protection and fire prevention ordinances adopted~~
23  ~~and amended by the fire protection district in such area.~~
24  ~~3.  All costs associated with placing an annexation on the ballot within~~
25  ~~a municipality that involves an area that is served by a fire protection district~~
26  ~~shall be borne by the municipality.~~
27  ~~4.  The provisions of subsections 2 and 3 of this section shall not apply~~
28  ~~to:~~
29  ~~(1)  Any city of the third classification with more than four thousand~~
30  ~~five hundred but fewer than five thousand inhabitants and located in any~~
31  ~~county with a charter form of government and with more than two hundred~~
32  ~~thousand but fewer than three hundred fifty thousand inhabitants;~~
33  ~~(2)  Any city of the fourth classification with more than three thousand~~
34  ~~but fewer than three thousand seven hundred inhabitants and located in any~~
35  ~~county with a charter form of government and with more than two hundred~~
36  ~~thousand but fewer than three hundred fifty thousand inhabitants; and~~
37  ~~(3)  Any city of the third classification with more than eleven thousand~~
38  ~~five hundred but fewer than thirteen thousand inhabitants and located in any~~
39  ~~county with a charter form of government and with more than two hundred~~
40  ~~thousand but fewer than three hundred fifty thousand inhabitants.~~
41  ~~5.  Notwithstanding any other provision of law to the contrary, the~~
42  ~~residents of an area included within any annexation by a municipality located~~
43  ~~in any county of the first classification with more than one hundred fifty~~
44  ~~thousand but fewer than two hundred thousand inhabitants, or an area included~~
45  ~~within any annexation by a municipality in a county having a charter form of~~
46  ~~government, approved by a vote after January 1, 2008, may vote in all fire~~
47  ~~protection district elections and may be elected to the fire protection district~~
48  ~~board of directors.~~]

321.320.  **1.  Except as otherwise provided in this section,** if any property, located
2  within the boundaries of a fire protection district, is included within a city having a population
3  of forty thousand inhabitants or more, which city is not wholly within the fire protection
4  district, and which city maintains a city fire department, the property is excluded from the fire
5  protection district.

6  **2.  Notwithstanding any provision of law to the contrary, unless otherwise**
7  **approved by a majority vote of the governing body of the municipality and a majority**
8  **vote of the governing body of the fire protection district, or otherwise approved by a**
9  **majority vote of the qualified voters in the municipality and a majority vote of the**
10  **qualified voters in the fire protection district, a fire protection district serving an area**
11  **included within any annexation by a municipality located in any county with more than**

12 **one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an**
13 **area included within any annexation by a municipality in a county with more than two**
14 **hundred thousand but fewer than two hundred thirty thousand inhabitants, including**
15 **simplified boundary changes, shall, following the annexation:**
16     **(1)   Continue to provide fire protection services, including being solely**
17 **responsible for the management of incidents in such area including in the fire**
18 **protection district's sole discretion whether to use a single command structure, unified**
19 **command structure or to relinquish command to another agency in accordance with**
20 **written guidelines established by the fire protection district and including emergency**
21 **medical services to such area;**
22     **(2)   Levy and collect any tax upon all taxable property included within the**
23 **annexed area authorized under chapter 321;**
24     **(3)   Enforce any fire protection and fire prevention ordinances adopted and**
25 **amended by the fire protection district in such area.**
26     **3.   All costs associated with placing an annexation on the ballot within a**
27 **municipality that involves an area that is served by a fire protection district shall be**
28 **paid by the municipality.**
29     **4.  The provisions of subsections 2 and 3 of this section shall not apply to:**
30     **(1)  Any city with more than four thousand four hundred but fewer than four**
31 **thousand nine hundred inhabitants and located in a county with more than two hundred**
32 **thousand but fewer than two hundred thirty thousand inhabitants;**
33     **(2)  Any city with more than twelve thousand five hundred but fewer than**
34 **fourteen thousand inhabitants and located in a county with more than two hundred**
35 **thousand but fewer than two hundred thirty thousand inhabitants.**
36     **5. Notwithstanding any other provision of law to the contrary, the residents of an**
37 **area included within any annexation by a municipality located in any county with more**
38 **than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or**
39 **an area included within any annexation by a municipality in a county with more than**
40 **two hundred thousand but fewer than two hundred thirty thousand inhabitants, may**
41 **vote in all fire protection district elections and may be elected to the fire protection**
42 **district board of directors.**

    Section B.  Because immediate action is necessary to ensure the equal voting rights of
2 persons residing in fire protection districts, section A of this act is deemed necessary for the
3 immediate preservation of the public health, welfare, peace, and safety, and is hereby declared
4 to be an emergency act within the meaning of the constitution, and section A of this act shall
5 be in full force and effect upon its passage and approval.

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