

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 307**  
97TH GENERAL ASSEMBLY

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Reported from the Committee on Jobs, Economic Development and Local Government, April 29, 2013, with recommendation that the Senate Committee Substitute do pass.

1103S.02C

TERRY L. SPIELER, Secretary.

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**AN ACT**

To repeal sections 84.830, 190.100, 321.015, 321.210, and 321.322, RSMo, and to enact in lieu thereof seven new sections relating to emergency service providers, with existing penalty provisions.

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

Section A. Sections 84.830, 190.100, 321.015, 321.210, and 321.322, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 67.145, 84.830, 190.098, 190.100, 321.015, 321.210, and 321.322, to read as follows:

**67.145. No political subdivision of this state shall prohibit any first responder, as the term "first responder" is defined in section 192.800, from engaging in any political activity while off duty and not in uniform, being a candidate for elected or appointed public office, or holding such office unless such political activity or candidacy is otherwise prohibited by state or federal law.**

84.830. 1. [No person shall solicit orally, or by letter or otherwise, or shall be in any manner concerned in soliciting, any assessment, contribution, or payment for any political purpose whatsoever from any officer or employee in the service of the police department for such cities or from members of the said police board.] No officer, agent, or employee of the police department of such cities shall permit any [such] solicitation **for political purpose** in any building or room occupied for the discharge of the official duties of the said department. [No officer or employee in the service of said police department shall directly or indirectly give, pay, lend, or contribute any part of his salary or compensation or

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

10 any money or other valuable thing to any person on account of, or to be applied  
11 to, the promotion of any political party, political club, or any political purpose  
12 whatever.]

13           2. No officer or employee of said department shall promote, remove, or  
14 reduce any other official or employee, or promise or threaten to do so, for  
15 withholding or refusing to make any contribution for any political party or  
16 purpose or club, or for refusal to render any political service, and shall not  
17 directly or indirectly attempt to coerce, command, or advise any other officer or  
18 employee to make any such contribution or render any such service. No officer  
19 or employee in the service of said department or member of the police board shall  
20 use his official authority or influence for the purpose of interfering with any  
21 election or any nomination for office, or affecting the result thereof. No officer or  
22 employee of such department shall [be a member or official of any committee of  
23 any political party, or be a ward committeeman or committeewoman, nor shall  
24 any such officer or employee] solicit any person to vote for or against any  
25 candidate for public office, or "poll precincts" or be connected with other political  
26 work of similar character on behalf of any political organization, party, or  
27 candidate **while on duty or while wearing the official uniform of the**  
28 **department**. All such persons shall, however, retain the right to vote as they  
29 may choose and to express their opinions on all political subjects and candidates.

30           3. No person or officer or employee of said department shall affix any sign,  
31 bumper sticker or other device to any property or vehicle under the control of said  
32 department which either supports or opposes any ballot measure or political  
33 candidate.

34           4. No question in any examination shall relate to political or religious  
35 opinions or affiliations, and no appointment, transfer, layoff, promotion,  
36 reduction, suspension, or removal shall be affected by such opinions or  
37 affiliations.

38           5. No person shall make false statement, certification, mark, rating, or  
39 report with regard to any tests, certificate, or appointment made under any  
40 provision of sections 84.350 to 84.860 or in any manner commit or attempt to  
41 commit any fraud preventing the impartial execution of this section or any  
42 provision thereof.

43           6. No person shall, directly or indirectly, give, render, pay, offer, solicit,  
44 or accept any money, service, or other valuable consideration for or on account of  
45 any appointment, proposed appointment, promotion to, or any advancement in,

46 a position in the service of the police departments of such cities.

47 7. No person shall defeat, deceive, or obstruct any person in his right to  
48 examination, eligibility, certification, appointment or promotion under sections  
49 84.350 to 84.860, or furnish to any person any such secret information for the  
50 purpose of affecting the right or prospects of any person with respect to  
51 employment in the police departments of such cities.

52 8. Any officer or any employee of the police department of such cities who  
53 shall be found by the board to have violated any of the provisions of this section  
54 shall be discharged forthwith from said service. It shall be the duty of the chief  
55 of police to prefer charges against any such offending person at once. Any  
56 member of the board or of the common council of such cities may bring suit to  
57 restrain payment of compensation to any such offending officer or employee and,  
58 as an additional remedy, any such member of the board or of the common council  
59 of such cities may also apply to the circuit court for a writ of mandamus to compel  
60 the dismissal of such offending officer or employee. Officers or employees  
61 discharged by such mandamus shall have no right of review before the police  
62 board. Any person dismissed or convicted under this section shall, for a period  
63 of five years, be ineligible for appointment to any position in the service of the  
64 police department of such cities or the municipal government of such cities. Any  
65 persons who shall willfully or through culpable negligence violate any of the  
66 provisions of this section may, upon conviction thereof, be punished by a fine of  
67 not less than fifty dollars and not exceeding five hundred dollars, or by  
68 imprisonment for a time not exceeding six months, or by both such fine and  
69 imprisonment.

**190.098. 1. In order for a person to be eligible for certification  
2 by the department as a community paramedic, an individual shall:**

- 3 **(1) Be currently certified as a paramedic;**  
4 **(2) Successfully complete or have successfully completed a  
5 community paramedic certification program from a college, university,  
6 or educational institution that has been approved by the department  
7 or accredited by a national accreditation organization approved by the  
8 department; and**  
9 **(3) Complete an application form approved by the department.**

10 **2. A community paramedic shall practice in accordance with  
11 protocols and supervisory standards established by the medical  
12 director. A community paramedic shall provide services of a health**

13 care plan if the plan has been developed by the patient's physician or  
14 by an advanced practice registered nurse or a physician assistant and  
15 there is no duplication of services to the patient from another provider.

16 3. Any ambulance service shall enter into a written contract to  
17 provide community paramedic services in another ambulance service  
18 area, as that term is defined in section 190.100. The contract that is  
19 agreed upon may be for an indefinite period of time, as long as it  
20 includes at least a sixty-day cancellation notice by either ambulance  
21 service.

22 4. A community paramedic is subject to the provisions of sections  
23 190.001 to 190.245 and rules promulgated under sections 190.001 to  
24 190.245.

25 5. No person shall hold himself or herself out as a community  
26 paramedic or provide the services of a community paramedic unless  
27 such person is certified by the department.

28 6. The medical director shall approve the implementation of the  
29 community paramedic program.

30 7. Any rule or portion of a rule, as that term is defined in section  
31 536.010, that is created under the authority delegated in this section  
32 shall become effective only if it complies with and is subject to all of  
33 the provisions of chapter 536 and, if applicable, section 536.028. This  
34 section and chapter 536 are nonseverable and if any of the powers  
35 vested with the general assembly pursuant to chapter 536 to review, to  
36 delay the effective date, or to disapprove and annul a rule are  
37 subsequently held unconstitutional, then the grant of rulemaking  
38 authority and any rule proposed or adopted after August 28, 2013, shall  
39 be invalid and void.

190.100. As used in sections 190.001 to 190.245, the following words and  
2 terms mean:

3 (1) "Advanced life support (ALS)", an advanced level of care as provided  
4 to the adult and pediatric patient such as defined by national curricula, and any  
5 modifications to that curricula specified in rules adopted by the department  
6 pursuant to sections 190.001 to 190.245;

7 (2) "Ambulance", any privately or publicly owned vehicle or craft that is  
8 specially designed, constructed or modified, staffed or equipped for, and is  
9 intended or used, maintained or operated for the transportation of persons who  
10 are sick, injured, wounded or otherwise incapacitated or helpless, or who require

11 the presence of medical equipment being used on such individuals, but the term  
12 does not include any motor vehicle specially designed, constructed or converted  
13 for the regular transportation of persons who are disabled, handicapped, normally  
14 using a wheelchair, or otherwise not acutely ill, or emergency vehicles used  
15 within airports;

16 (3) "Ambulance service", a person or entity that provides emergency or  
17 nonemergency ambulance transportation and services, or both, in compliance with  
18 sections 190.001 to 190.245, and the rules promulgated by the department  
19 pursuant to sections 190.001 to 190.245;

20 (4) "Ambulance service area", a specific geographic area in which an  
21 ambulance service has been authorized to operate;

22 (5) "Basic life support (BLS)", a basic level of care, as provided to the  
23 adult and pediatric patient as defined by national curricula, and any  
24 modifications to that curricula specified in rules adopted by the department  
25 pursuant to sections 190.001 to 190.245;

26 (6) "Council", the state advisory council on emergency medical services;

27 (7) "Department", the department of health and senior services, state of  
28 Missouri;

29 (8) "Director", the director of the department of health and senior services  
30 or the director's duly authorized representative;

31 (9) "Dispatch agency", any person or organization that receives requests  
32 for emergency medical services from the public, by telephone or other means, and  
33 is responsible for dispatching emergency medical services;

34 (10) "Emergency", the sudden and, at the time, unexpected onset of a  
35 health condition that manifests itself by symptoms of sufficient severity that  
36 would lead a prudent layperson, possessing an average knowledge of health and  
37 medicine, to believe that the absence of immediate medical care could result in:

38 (a) Placing the person's health, or with respect to a pregnant woman, the  
39 health of the woman or her unborn child, in significant jeopardy;

40 (b) Serious impairment to a bodily function;

41 (c) Serious dysfunction of any bodily organ or part;

42 (d) Inadequately controlled pain;

43 (11) "Emergency medical dispatcher", a person who receives emergency  
44 calls from the public and has successfully completed an emergency medical  
45 dispatcher course, meeting or exceeding the national curriculum of the United  
46 States Department of Transportation and any modifications to such curricula

47 specified by the department through rules adopted pursuant to sections 190.001  
48 to 190.245;

49 (12) "Emergency medical response agency", any person that regularly  
50 provides a level of care that includes first response, basic life support or advanced  
51 life support, exclusive of patient transportation;

52 (13) "Emergency medical services for children (EMS-C) system", the  
53 arrangement of personnel, facilities and equipment for effective and coordinated  
54 delivery of pediatric emergency medical services required in prevention and  
55 management of incidents which occur as a result of a medical emergency or of an  
56 injury event, natural disaster or similar situation;

57 (14) "Emergency medical services (EMS) system", the arrangement of  
58 personnel, facilities and equipment for the effective and coordinated delivery of  
59 emergency medical services required in prevention and management of incidents  
60 occurring as a result of an illness, injury, natural disaster or similar situation;

61 (15) "Emergency medical technician", a person licensed in emergency  
62 medical care in accordance with standards prescribed by sections 190.001 to  
63 190.245, and by rules adopted by the department pursuant to sections 190.001 to  
64 190.245;

65 (16) "Emergency medical technician-basic" or "EMT-B", a person who has  
66 successfully completed a course of instruction in basic life support as prescribed  
67 by the department and is licensed by the department in accordance with  
68 standards prescribed by sections 190.001 to 190.245 and rules adopted by the  
69 department pursuant to sections 190.001 to 190.245;

70 (17) **"Emergency medical technician-community paramedic",**  
71 **"community paramedic", or "EMT-CP", a person who is certified as an**  
72 **emergency medical technician-paramedic and is licensed by the**  
73 **department in accordance with standards prescribed in section 190.098;**

74 (18) "Emergency medical technician-intermediate" or "EMT-I", a person  
75 who has successfully completed a course of instruction in certain aspects of  
76 advanced life support care as prescribed by the department and is licensed by the  
77 department in accordance with sections 190.001 to 190.245 and rules and  
78 regulations adopted by the department pursuant to sections 190.001 to 190.245;

79 [(18)] (19) "Emergency medical technician-paramedic" or "EMT-P", a  
80 person who has successfully completed a course of instruction in advanced life  
81 support care as prescribed by the department and is licensed by the department  
82 in accordance with sections 190.001 to 190.245 and rules adopted by the

83 department pursuant to sections 190.001 to 190.245;

84 [(19)] (20) "Emergency services", health care items and services  
85 furnished or required to screen and stabilize an emergency which may include,  
86 but shall not be limited to, health care services that are provided in a licensed  
87 hospital's emergency facility by an appropriate provider or by an ambulance  
88 service or emergency medical response agency;

89 [(20)] (21) "First responder", a person who has successfully completed an  
90 emergency first response course meeting or exceeding the national curriculum of  
91 the United States Department of Transportation and any modifications to such  
92 curricula specified by the department through rules adopted pursuant to sections  
93 190.001 to 190.245 and who provides emergency medical care through  
94 employment by or in association with an emergency medical response agency;

95 [(21)] (22) "Health care facility", a hospital, nursing home, physician's  
96 office or other fixed location at which medical and health care services are  
97 performed;

98 [(22)] (23) "Hospital", an establishment as defined in the hospital  
99 licensing law, subsection 2 of section 197.020, or a hospital operated by the state;

100 [(23)] (24) "Medical control", supervision provided by or under the  
101 direction of physicians to providers by written or verbal communications;

102 [(24)] (25) "Medical direction", medical guidance and supervision  
103 provided by a physician to an emergency services provider or emergency medical  
104 services system;

105 [(25)] (26) "Medical director", a physician licensed pursuant to chapter  
106 334 designated by the ambulance service or emergency medical response agency  
107 and who meets criteria specified by the department by rules pursuant to sections  
108 190.001 to 190.245;

109 [(26)] (27) "Memorandum of understanding", an agreement between an  
110 emergency medical response agency or dispatch agency and an ambulance service  
111 or services within whose territory the agency operates, in order to coordinate  
112 emergency medical services;

113 [(27)] (28) "Patient", an individual who is sick, injured, wounded,  
114 diseased, or otherwise incapacitated or helpless, or dead, excluding deceased  
115 individuals being transported from or between private or public institutions,  
116 homes or cemeteries, and individuals declared dead prior to the time an  
117 ambulance is called for assistance;

118 [(28)] (29) "Person", as used in these definitions and elsewhere in

119 sections 190.001 to 190.245, any individual, firm, partnership, copartnership,  
120 joint venture, association, cooperative organization, corporation, municipal or  
121 private, and whether organized for profit or not, state, county, political  
122 subdivision, state department, commission, board, bureau or fraternal  
123 organization, estate, public trust, business or common law trust, receiver,  
124 assignee for the benefit of creditors, trustee or trustee in bankruptcy, or any other  
125 service user or provider;

126 [(29)] **(30)** "Physician", a person licensed as a physician pursuant to  
127 chapter 334;

128 [(30)] **(31)** "Political subdivision", any municipality, city, county, city not  
129 within a county, ambulance district or fire protection district located in this state  
130 which provides or has authority to provide ambulance service;

131 [(31)] **(32)** "Professional organization", any organized group or  
132 association with an ongoing interest regarding emergency medical services. Such  
133 groups and associations could include those representing volunteers, labor,  
134 management, firefighters, EMT-B's, nurses, EMT-P's, physicians, communications  
135 specialists and instructors. Organizations could also represent the interests of  
136 ground ambulance services, air ambulance services, fire service organizations, law  
137 enforcement, hospitals, trauma centers, communication centers, pediatric  
138 services, labor unions and poison control services;

139 [(32)] **(33)** "Proof of financial responsibility", proof of ability to respond  
140 to damages for liability, on account of accidents occurring subsequent to the  
141 effective date of such proof, arising out of the ownership, maintenance or use of  
142 a motor vehicle in the financial amount set in rules promulgated by the  
143 department, but in no event less than the statutory minimum required for motor  
144 vehicles. Proof of financial responsibility shall be used as proof of self-insurance;

145 [(33)] **(34)** "Protocol", a predetermined, written medical care guideline,  
146 which may include standing orders;

147 [(34)] **(35)** "Regional EMS advisory committee", a committee formed  
148 within an emergency medical services (EMS) region to advise ambulance services,  
149 the state advisory council on EMS and the department;

150 [(35)] **(36)** "Specialty care transportation", the transportation of a patient  
151 requiring the services of an emergency medical technician-paramedic who has  
152 received additional training beyond the training prescribed by the  
153 department. Specialty care transportation services shall be defined in writing in  
154 the appropriate local protocols for ground and air ambulance services and



155 approved by the local physician medical director. The protocols shall be  
156 maintained by the local ambulance service and shall define the additional  
157 training required of the emergency medical technician-paramedic;

158 [(36)] **(37)** "Stabilize", with respect to an emergency, the provision of  
159 such medical treatment as may be necessary to attempt to assure within  
160 reasonable medical probability that no material deterioration of an individual's  
161 medical condition is likely to result from or occur during ambulance  
162 transportation unless the likely benefits of such transportation outweigh the  
163 risks;

164 [(37)] **(38)** "State advisory council on emergency medical services", a  
165 committee formed to advise the department on policy affecting emergency medical  
166 service throughout the state;

167 [(38)] **(39)** "State EMS medical directors advisory committee", a  
168 subcommittee of the state advisory council on emergency medical services formed  
169 to advise the state advisory council on emergency medical services and the  
170 department on medical issues;

171 [(39)] **(40)** "STEMI" or "ST-elevation myocardial infarction", a type of  
172 heart attack in which impaired blood flow to the patient's heart muscle is  
173 evidenced by ST-segment elevation in electrocardiogram analysis, and as further  
174 defined in rules promulgated by the department under sections 190.001 to  
175 190.250;

176 [(40)] **(41)** "STEMI care", includes education and prevention, emergency  
177 transport, triage, and acute care and rehabilitative services for STEMI that  
178 requires immediate medical or surgical intervention or treatment;

179 [(41)] **(42)** "STEMI center", a hospital that is currently designated as  
180 such by the department to care for patients with ST-segment elevation myocardial  
181 infarctions;

182 [(42)] **(43)** "Stroke", a condition of impaired blood flow to a patient's  
183 brain as defined by the department;

184 [(43)] **(44)** "Stroke care", includes emergency transport, triage, and acute  
185 intervention and other acute care services for stroke that potentially require  
186 immediate medical or surgical intervention or treatment, and may include  
187 education, primary prevention, acute intervention, acute and subacute  
188 management, prevention of complications, secondary stroke prevention, and  
189 rehabilitative services;

190 [(44)] **(45)** "Stroke center", a hospital that is currently designated as such

191 by the department;

192 [(45)] **(46)** "Trauma", an injury to human tissues and organs resulting  
193 from the transfer of energy from the environment;

194 [(46)] **(47)** "Trauma care" includes injury prevention, triage, acute care  
195 and rehabilitative services for major single system or multisystem injuries that  
196 potentially require immediate medical or surgical intervention or treatment;

197 [(47)] **(48)** "Trauma center", a hospital that is currently designated as  
198 such by the department.

321.015. **1.** No person holding any lucrative office or employment under  
2 this state, or any political subdivision thereof as defined in section 70.120, shall  
3 hold the office of fire protection district director under this chapter. When any  
4 fire protection district director accepts any office or employment under this state  
5 or any political subdivision thereof, his office shall thereby be vacated and he  
6 shall thereafter perform no duty and receive no salary or expenses as fire  
7 protection district director.

8 **2.** This section shall not apply to:

9 **(1)** Members of the organized militia, of the reserve corps, public school  
10 employees and notaries public[, or to];

11 **(2)** Fire protection districts located wholly within counties of the second,  
12 third or fourth [class or] **classification;**

13 **(3)** **Fire protection districts in counties of the first classification**  
14 **with less than eighty-five thousand inhabitants;**

15 **(4)** **Fire protection districts** located within [first class] counties **of the**  
16 **first classification** not adjoining any other [first class] county[, nor shall this  
17 section apply to] **of the first classification;**

18 **(5)** **Fire protection districts located within** any county of the first  
19 or second [class] **classification** not having more than nine hundred thousand  
20 inhabitants which borders any three [first class] counties **of the first**  
21 **classification;** [nor shall this section apply to];

22 **(6)** **Fire protection districts located within** any [first class] county  
23 **of the first classification** [without a charter form of government] which  
24 adjoins both a [first class] **charter** county [with a charter form of government]  
25 **of the first classification** with at least nine hundred thousand inhabitants,  
26 and adjoins at least four other counties;

27 **(7)** **Fire protection districts located within any county of the first**  
28 **classification with more than one hundred fifty thousand but fewer**

29 **than two hundred thousand inhabitants.**

30 **3. For the purposes of this section,** the term "lucrative office or  
31 employment" does not include receiving retirement benefits, compensation for  
32 expenses, or a stipend or per diem, in an amount not to exceed seventy-five  
33 dollars for each day of service, for service rendered to a fire protection district,  
34 the state or any political subdivision thereof.

321.210. On the first Tuesday in April after the expiration of at least two  
2 full calendar years from the date of the election of the first board of directors, and  
3 on the first Tuesday in April every two years thereafter, an election for members  
4 of the board of directors shall be held in the district. Nominations shall be filed  
5 at the headquarters of the fire protection district in which a majority of the  
6 district is located by paying a [ten-dollar] filing fee **up to the amount of a**  
7 **candidate for state representative as set forth under section 115.357** and  
8 filing a statement under oath that he possesses the required qualifications. The  
9 candidate receiving the most votes shall be elected. Any new member of the  
10 board shall qualify in the same manner as the members of the first board qualify.

321.322. 1. If any property located within the boundaries of a fire  
2 protection district shall be included within a city having a population of at least  
3 two thousand five hundred but not more than sixty-five thousand which is not  
4 wholly within the fire protection district and which maintains a city fire  
5 department, then upon the date of actual inclusion of the property within the city,  
6 as determined by the annexation process, the city shall within sixty days assume  
7 by contract with the fire protection district all responsibility for payment in a  
8 lump sum or in installments an amount mutually agreed upon by the fire  
9 protection district and the city for the city to cover all obligations of the fire  
10 protection district to the area included within the city, and thereupon the fire  
11 protection district shall convey to the city the title, free and clear of all liens or  
12 encumbrances of any kind or nature, any such tangible real and personal property  
13 of the fire protection district as may be agreed upon, which is located within the  
14 part of the fire protection district located within the corporate limits of the city  
15 with full power in the city to use and dispose of such tangible real and personal  
16 property as the city deems best in the public interest, and the fire protection  
17 district shall no longer levy and collect any tax upon the property included within  
18 the corporate limits of the city; except that, if the city and the fire protection  
19 district cannot mutually agree to such an arrangement, then the city shall  
20 assume responsibility for fire protection in the annexed area on or before January

21 first of the third calendar year following the actual inclusion of the property  
22 within the city, as determined by the annexation process, and furthermore the  
23 fire protection district shall not levy and collect any tax upon that property  
24 included within the corporate limits of the city after the date of inclusion of that  
25 property:

26 (1) On or before January first of the second calendar year occurring after  
27 the date on which the property was included within the city, the city shall pay to  
28 the fire protection district a fee equal to the amount of revenue which would have  
29 been generated during the previous calendar year by the fire protection district  
30 tax on the property in the area annexed which was formerly a part of the fire  
31 protection district;

32 (2) On or before January first of the third calendar year occurring after  
33 the date on which the property was included within the city, the city shall pay to  
34 the fire protection district a fee equal to four-fifths of the amount of revenue  
35 which would have been generated during the previous calendar year by the fire  
36 protection district tax on the property in the area annexed which was formerly  
37 a part of the fire protection district;

38 (3) On or before January first of the fourth calendar year occurring after  
39 the date on which the property was included within the city, the city shall pay to  
40 the fire protection district a fee equal to three-fifths of the amount of revenue  
41 which would have been generated during the previous calendar year by the fire  
42 protection district tax on the property in the area annexed which was formerly  
43 a part of the fire protection district;

44 (4) On or before January first of the fifth calendar year occurring after the  
45 date on which the property was included within the city, the city shall pay to the  
46 fire protection district a fee equal to two-fifths of the amount of revenue which  
47 would have been generated during the previous calendar year by the fire  
48 protection district tax on the property in the area annexed which was formerly  
49 a part of the fire protection district; and

50 (5) On or before January first of the sixth calendar year occurring after  
51 the date on which the property was included within the city, the city shall pay to  
52 the fire protection district a fee equal to one-fifth of the amount of revenue which  
53 would have been generated during the previous calendar year by the fire  
54 protection district tax on the property in the area annexed which was formerly  
55 a part of the fire protection district.

56 Nothing contained in this section shall prohibit the ability of a city to negotiate

57 contracts with a fire protection district for mutually agreeable services. This  
58 section shall also apply to those fire protection districts and cities which have not  
59 reached agreement on overlapping boundaries previous to August 28, 1990. Such  
60 fire protection districts and cities shall be treated as though inclusion of the  
61 annexed area took place on December thirty-first immediately following August  
62 28, 1990.

63         2. Any property excluded from a fire protection district by reason of  
64 subsection 1 of this section shall be subject to the provisions of section 321.330.

65         3. The provisions of this section shall not apply in any county of the first  
66 class having a charter form of government and having a population of over nine  
67 hundred thousand inhabitants.

68         4. The provisions of this section shall not apply where the annexing city  
69 or town operates a city fire department and was on January 1, 2005, a city of the  
70 fourth classification with more than eight thousand nine hundred but fewer than  
71 nine thousand inhabitants and entirely surrounded by a single fire district. In  
72 such cases, the provision of fire and emergency medical services following  
73 annexation shall be governed by subsections 2 and 3 of section 72.418.

74         **5. The provisions of this section shall not apply where the**  
75 **annexing city or town operates a city fire department, is any city of the**  
76 **third classification with more than six thousand but fewer than seven**  
77 **thousand inhabitants and located in any county with a charter form of**  
78 **government and with more than two hundred thousand but fewer than**  
79 **three hundred fifty thousand inhabitants, and is entirely surrounded**  
80 **by a single fire protection district. In such cases, the provision of fire**  
81 **and emergency medical services following annexation shall be governed**  
82 **by subsections 2 and 3 of section 72.418.**

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