

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ Of \_\_\_\_\_

Amend SS#2/SCS/House Bill No. 1700, Page 104, Section 144.759, Line 23,

2 by inserting after all of said line the following:

3 "321.300. 1. The boundaries of any district organized  
4 pursuant to the provisions of this chapter may be changed in the  
5 manner prescribed in this section; but any change of boundaries  
6 of the district shall not impair or affect its organization or  
7 its rights in or to property, or any of its rights or privileges  
8 whatsoever; nor shall it affect or impair or discharge any  
9 contract, obligation, lien or charge for or upon which it might  
10 be liable or chargeable had any change of boundaries not been  
11 made.

12 2. The boundaries may be changed as follows:

13 (1) Twenty-five percent of the number of voters who voted  
14 in the most recent gubernatorial election in the area to be  
15 annexed may file with the board a petition in writing praying  
16 that such real property be included within the district; provided  
17 that in the case of a municipality having less than twenty  
18 percent of its total population in one fire protection district,  
19 the entire remaining portion may be included in another district  
20 so that none of the city is outside of a fire protection district  
21 at the time. The petition shall describe the property to be

1 included in the district and shall describe the property owned by  
2 the petitioners and shall be deemed to give assent of the  
3 petitioners to the inclusion in the district of the property  
4 described in the petition; and such petition shall be in  
5 substantially the form set forth in section 321.495 dealing with  
6 referendums and verified in like manner; provided, however, that  
7 in the event that there are more than twenty-five property owners  
8 or taxpaying electors signing the petition, it shall be deemed  
9 sufficient description of their property in the petition as  
10 required in this section to list the addresses of such property;  
11 or

12 (2) All of the owners of any territory or tract of land  
13 near or adjacent to a fire protection district who own all of the  
14 real estate in such territory or tract of land may file a  
15 petition with the board praying that such real property be  
16 included in the district. The petition shall describe the  
17 property owned by the petitioners and shall be deemed to give  
18 assent of the petitioners to the inclusion in the district of the  
19 property described in the petition;

20 (3) Notwithstanding any provision of law to the contrary,  
21 in any fire protection district which is partly or wholly located  
22 in a noncharter county of the first classification with a  
23 population of less than one hundred thousand which adjoins any  
24 county of the first classification with a charter form of  
25 government with a population of nine hundred thousand or more  
26 inhabitants, if such fire protection district serves any portion  
27 of a city which is located in both such counties, the boundaries  
28 of the district may be expanded so as to include the entire city  
29 within the fire protection district, but the boundaries of the

1 district shall not be expanded beyond the city limits of such  
2 city, as the boundaries of such city existed on January 1, 1993.  
3 Such change in the boundaries of the district shall be  
4 accomplished only if twenty-five percent of the number of voters  
5 who voted in the most recent gubernatorial election in the area  
6 to be annexed file with the board a petition in writing praying  
7 that such real property be included within the district. The  
8 petition shall describe the property to be included in the  
9 district and shall describe the property owned by the petitioners  
10 and shall be deemed to give assent of the petitioners to the  
11 inclusion in the district of the property described in the  
12 petition; and such petition shall be in substantially the form  
13 set forth in section 321.495 dealing with referendums and  
14 verified in like manner.

15 (4) Notwithstanding any provision of law to the contrary,  
16 if a fire protection district located in a county with a charter  
17 form of government with a population of nine hundred thousand or  
18 more inhabitants serves any portion of a city with a charter form  
19 of government that has a municipal fire department, the  
20 boundaries of the fire protection district may be extended to  
21 serve other portions of the city. However, no boundaries shall  
22 be extended beyond the city limits of the city, as they existed  
23 on July 1, 2020. To extend the fire protection district  
24 boundaries, the governing body of the city shall file a written  
25 notice of consent with the fire protection district board. If  
26 the fire protection district board endorses the notice of  
27 consent, the fire protection district board shall petition the  
28 circuit court that has jurisdiction over the district to order  
29 the extension of the district boundaries to the area described in

1 the notice of consent at an election held for that purpose. The  
2 question shall be submitted to the registered voters who reside  
3 within the area described in the notice of consent in  
4 substantially the following form:

5 Shall the boundaries of the \_\_\_\_\_ Fire Protection  
6 District be extended to include the following property?  
7 (Property description.)

8  YES       NO

9  
10 If a majority of the votes cast by the qualified voters voting  
11 thereon are in favor of the question, the court shall enter its  
12 further order declaring the decree of extension of the fire  
13 protection district boundaries to be final and conclusive. If a  
14 majority of the votes cast by the qualified voters voting thereon  
15 are opposed to the question, the court shall enter its further  
16 order declaring the extension of the fire protection district  
17 boundaries to be void and of no effect.

18       3. The secretary of the board shall cause notice of the  
19 filing of any petition filed pursuant to this section to be given  
20 and published in the county in which the property is located,  
21 which notice shall recite the filing of such petition, the number  
22 of petitioners, a general description of the boundaries of the  
23 area proposed to be included and the prayer of the petitioners;  
24 giving notice to all persons interested to appear at the office  
25 of the board at the time named in the notice and show cause in  
26 writing, if any they have, why the petition should not be  
27 granted. The board shall at the time and place mentioned, or at  
28 such time or times to which the hearing may be adjourned, proceed  
29 to hear the petition and all objections thereto presented in

1 writing by any person showing cause why the petition should not  
2 be granted. The failure of any person interested to show cause  
3 in writing why such petition shall not be granted shall be deemed  
4 as an assent on his part to the inclusion of such lands in the  
5 district as prayed for in the petition.

6 4. If the board deems it for the best interest of the  
7 district, it shall grant the petition, but if the board  
8 determines that some portion of the property mentioned in the  
9 petition cannot as a practical matter be served by the district,  
10 or if it deems it for the best interest of the district that some  
11 portion of the property in the petition not be included in the  
12 district, then the board shall grant the petition in part only.  
13 If the petition is granted, the board shall make an order to that  
14 effect and file the same with the circuit clerk; and upon the  
15 order of the court having jurisdiction over the district, the  
16 property shall be included in the district. If the petition  
17 contains the signatures of all the owners of the property  
18 pursuant to the provisions of subdivision (2) of subsection 2 of  
19 this section, the property shall be included in the district upon  
20 the order of the court. If the petition contains the signatures  
21 of twenty-five percent of the number of voters who voted in the  
22 most recent gubernatorial election in the area to be annexed  
23 pursuant to subdivision (1) or subdivision (3) of subsection 2 of  
24 this section, the property shall be included in the district  
25 subject to the election provided in section 321.301. The circuit  
26 court having jurisdiction over the district shall proceed to make  
27 any such order including such additional property within the  
28 district as is provided in the order of the board, unless the  
29 court shall find that such order of the board was not authorized

1 by law or that such order of the board was not supported by  
2 competent and substantial evidence.

3 5. Any person aggrieved by any decision of the board made  
4 pursuant to the provisions of this section may appeal that  
5 decision to the circuit court of the county in which the property  
6 is located within thirty days of the decision by the board.

7 6. No fire protection district, or employee thereof, in  
8 which territory is annexed pursuant to this section shall be  
9 required to comply with any prescribed firefighter training  
10 program or regimen which would not otherwise apply to the  
11 district or its employees, but for the requirements applicable to  
12 the annexed territory."; and

13 Further amend said bill, page 109, section C, line 8, by  
14 inserting after all of said line the following:

15 "Section D. Because of the importance of protecting the  
16 safety of Missouri citizens, the repeal and reenactment of  
17 section 321.300 of this act is deemed necessary for the immediate  
18 preservation of the public health, welfare, peace and safety, and  
19 is hereby declared to be an emergency act within the meaning of  
20 the constitution, and the repeal and reenactment of section  
21 321.300 of this act shall be in full force and effect upon its  
22 passage and approval."; and

23 Further amend the title and enacting clause accordingly.