

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 775

AN ACT

To repeal sections 321.015, 321.190, 321.300, and 321.603, RSMo, and to enact in lieu thereof four new sections relating to fire protection districts, with an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 321.015, 321.190, 321.300, and 321.603, RSMo, are repealed and four new sections enacted in lieu thereof, to be known as sections 321.015, 321.190, 321.300, and 321.603, to read as follows:

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

2. This section shall not apply to:

(1) Members of the organized militia, of the reserve corps, public school employees [and], notaries public, or employees of a law enforcement agency;

(2) Fire protection districts located wholly within

counties of the second, third or fourth classification;

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

(4) Fire protection districts located within counties of the first classification not adjoining any other county of the first classification;

(5) Fire protection districts located within any county of the first or second classification not having more than nine hundred thousand inhabitants which borders any three counties of the first classification;

(6) Fire protection districts located within any county of the first classification which adjoins both a county with a charter form of government with more than nine hundred fifty thousand inhabitants, and adjoins at least four other counties;

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

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

321.190. Each member of the board may receive an attendance fee not to exceed one hundred fifty dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than [two in any calendar month, except that in a county of the first class having a charter form

of government, he shall not be paid for attending more than four in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than] one board meeting in a calendar week. In addition, the chairman of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting[, but shall not be paid the additional fee for attending more than two meetings in any calendar month]. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. The secretary and the treasurer, if members of the board of directors, may each receive such additional compensation for the performance of their respective duties as secretary and treasurer as the board shall deem reasonable and necessary, not to exceed one thousand dollars per year. The circuit court having jurisdiction over the district shall have power to remove directors or any of them for good cause shown upon a petition, notice and hearing.

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

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted

in the most recent gubernatorial election in the area to be annexed may file with the board a petition in writing praying that such real property be included within the district; provided that in the case of a municipality having less than twenty percent of its total population in one fire protection district, the entire remaining portion may be included in another district so that none of the city is outside of a fire protection district at the time. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner; provided, however, that in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

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

(3) Notwithstanding any provision of law to the contrary,

in any fire protection district which is partly or wholly located in a noncharter county of the first classification with a population of less than one hundred thousand which adjoins any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, if such fire protection district serves any portion of a city which is located in both such counties, the boundaries of the district may be expanded so as to include the entire city within the fire protection district, but the boundaries of the district shall not be expanded beyond the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district shall be accomplished only if twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed file with the board a petition in writing praying that such real property be included within the district. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section 321.495 dealing with referendums and verified in like manner.

(4) Notwithstanding any provision of law to the contrary, if one or more fire protection districts serve any portion of a city with a charter form of government that has a municipal fire department and is located in a county with a charter form of government with a population of nine hundred thousand or more

inhabitants, the boundaries of any district may be expanded so as to include areas within the city into the boundaries of a fire protection district, but the boundaries of any district shall not be expanded beyond the city limits of such city, as the boundaries of such city existed on July 1, 2020. Such change in the district boundaries shall be accomplished pursuant to the provisions of this subdivision only if the governing body of such city shall file with the board of any such fire protection district a written consent for the board to seek approval of the circuit court having jurisdiction over the district for extension of the district's boundaries and to submit the question of extension of the district's boundaries to the registered voters of the area described in the city's consent with respect to that district. If the board of directors of the fire protection district or districts endorse the consent filed by such city, the district may petition the circuit court having jurisdiction over such district to order the extension of the district's boundaries to include the area described in the city's written consent with respect to that district subject to approval at an election held for that purpose. At such election, the question shall be submitted to the registered voters of the area to be included in a fire protection district in substantially the following form:

Shall the boundaries of the _____ Fire Protection District be extended to include the following described property (Describe property)?

YES

NO

If a majority of the voters voting on the proposition vote in favor of the extension of the boundaries of that district, then

the court shall enter an order declaring the extension of the boundaries of that fire protection district to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting in the area to be included in a fire protection district voted against the proposition to extend the boundaries of that district, then the court shall enter its further order declaring the extension of boundaries of that district to be void and of no effect.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines that some portion of the property mentioned in the

petition cannot as a practical matter be served by the district, or if it deems it for the best interest of the district that some portion of the property in the petition not be included in the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction over the district, the property shall be included in the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed pursuant to subdivision (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district subject to the election provided in section 321.301. The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

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

6. No fire protection district, or employee thereof, in

which territory is annexed pursuant to this section shall be required to comply with any prescribed firefighter training program or regimen which would not otherwise apply to the district or its employees, but for the requirements applicable to the annexed territory.

321.603. In addition to the compensation provided pursuant to section 321.190 for fire protection districts located in a county of the first classification with a charter form of government, each member of any such fire protection district board may receive an attendance fee not to exceed one hundred fifty dollars for attending a board meeting conducted pursuant to chapter 610[, but such board member shall not be paid for attending more than four such meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one meeting conducted under chapter 610 in a calendar week].

Section B. Because of the need to submit a question to the voters in a timely manner, the repeal and reenactment of section 321.300 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the repeal and reenactment of section 321.300 of this act shall be in full force and effect upon its passage and approval.