

SECOND REGULAR SESSION

SENATE BILL NO. 1604

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

6724S.01I

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 321.310 and 321.330, RSMo, and to enact in lieu thereof two new sections relating to petitions to exclude property from a fire protection district.

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

Section A. Sections 321.310 and 321.330, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 321.310 and 321.330, to read as follows:

321.310. 1. Any owner of any real or personal
2 property contained within the boundaries of the district may
3 file with the board a petition praying that such property be
4 excluded and taken from the district. Such petition shall
5 describe the property which the petitioner desires to have
6 excluded, and must be acknowledged in the same manner and
7 form as required in case of a conveyance of land, and be
8 accompanied by a deposit of money sufficient to pay all
9 costs of the exclusion proceedings. The secretary of the
10 board shall cause a notice of filing of such petition to be
11 published in the county in which the property is located.
12 The notice shall state the filing of such petition, the name
13 of the petitioner, description of the property mentioned
14 sought to be excluded and the prayer of the petitioner; and
15 it shall notify all persons interested to appear at the
16 office of the board at the time named in the notice, showing
17 cause in writing, if any they have, why the petition should

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

18 not be granted. The board at the time and place mentioned
19 in the notice, or at the time or times at which the hearing
20 of the petition may be adjourned, shall proceed to hear the
21 petition and all objections thereto presented in writing by
22 any person showing cause as aforesaid, why the prayer of the
23 petition should not be granted. The filing of such petition
24 shall be deemed and assent by the petitioner to the
25 exclusion from the district of the property mentioned in the
26 petition, or any part thereof.

27 **2. Owners of individual parcels within a residential**
28 **subdivision contained within the boundaries of the district**
29 **may file with the board a petition praying that all real**
30 **property within the subdivision be excluded and taken from**
31 **the district. The petition shall:**

32 **(1) Be signed by every owner of a parcel within the**
33 **subdivision sought to be excluded, such signatures shall be**
34 **affixed before a person who shall certify, by affidavit**
35 **acknowledged before a notary public, that the signatures**
36 **were affixed in his or her presence;**

37 **(2) Describe the property that the petitioners desire**
38 **to have excluded, which description can be the name of the**
39 **residential subdivision and the plat book and page where**
40 **recorded;**

41 **(3) Include a statement from any rural, volunteer, or**
42 **subscription fire department or organization, volunteer fire**
43 **protection association, or municipality that such entity or**
44 **municipality will provide fire protection services to the**
45 **subdivision either directly or by contract with another fire**
46 **protection entity upon an order by the court excluding the**
47 **subdivision from the district issued under this section; and**

48 (4) Be accompanied by a deposit of moneys sufficient
49 to pay all costs of the exclusion proceedings, which shall
50 be consolidated to the extent feasible.

51 The secretary of the board shall cause a notice of filing of
52 such petition to be published in the county in which the
53 subdivision is located. The notice shall state the filing
54 of such petition, the names of the petitioners, a
55 description of the property, the name of the fire
56 department, organization, or association that will provide
57 fire protection services if the petition is approved, and
58 the prayer of the petitioners. The secretary shall notify
59 all persons interested, including anyone who owns property
60 within the subdivision, to appear at the office of the board
61 at the time named in the notice, showing cause in writing,
62 if any they have, why the petition should not be granted.
63 The board at the time and place mentioned in the notice, or
64 at the time or times at which the hearing of the petition
65 may be adjourned, shall proceed to hear the petition and all
66 objections thereto presented in writing by any person
67 showing cause as aforesaid why the prayer of the petition
68 should not be granted. The filing of such petition shall be
69 deemed to be assent by the petitioners to the exclusion from
70 the district of the property mentioned in the petition.

71 3. The board, if it deems it not for the best
72 interests of the district that the property mentioned in the
73 petition, or any portion thereof, shall be excluded from the
74 district, shall order that the petition be denied; but if it
75 determines that the property mentioned in the petition, or
76 any portion thereof, cannot as a practical matter be served
77 by the district or if it deems it for the best interest of
78 the district that the property mentioned in the petition, or

79 some portion thereof, be excluded from the district, then
80 the board may order the property mentioned in the petition,
81 or some portion thereof, excluded from the district. Upon
82 allowance of such petition, the board shall file a certified
83 copy of the order of the board making such change with the
84 circuit clerk. Upon order of the court, the property shall
85 be excluded from the district, and a copy of the order of
86 the board and the order of the court shall be filed with the
87 county clerk in each county in which the district lies. The
88 circuit court having jurisdiction over the district shall
89 make any such order excluding property from the district as
90 provided in the order of the board, unless the court shall
91 find that such order of the board was not authorized by law,
92 or that such order of the board was not supported by
93 competent and substantial evidence. Any person aggrieved by
94 any decision of the board made pursuant to the provisions of
95 this section may appeal that decision to the circuit court
96 within thirty days of the decision for a trial de novo.

321.330. 1. All real property included within, or
2 excluded from, a district shall thereafter be subject to the
3 levy of taxes for the payment of any indebtedness of the
4 district outstanding at the time of inclusion or exclusion [;]
5 provided, however, that [].

6 2. After any real property [shall have] **has** been
7 excluded from a district, as herein provided, any buildings
8 and improvements thereafter erected or constructed on said
9 excluded real property, and all machinery and equipment
10 thereafter installed or placed therein or thereon, and all
11 tangible personal property not in said district at the time
12 of the exclusion of said real property from said district
13 which shall thereafter be situate on or used in connection

14 with said real property, shall not be subject to any taxes
15 levied by said district.

16 **3. Any real property excluded from a district under**
17 **subsection 2 of section 321.310 shall not be subject to the**
18 **provisions of subsection 1 of this section.**

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