

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NO. 530

98TH GENERAL ASSEMBLY

1383H.02P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal sections 72.418, 190.055, 321.017, 321.130, 321.210, and 321.322, RSMo, and to enact in lieu thereof six new sections relating to emergency services.

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

Section A. Sections 72.418, 190.055, 321.017, 321.130, 321.210, and 321.322, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 72.418, 190.055, 321.017, 321.130, 321.210, and 321.322, to read as follows:

72.418. 1. Notwithstanding any other provision of law to the contrary, no new city created pursuant to sections 72.400 to 72.423 shall establish a municipal fire department to provide fire protection services, including emergency medical services, if such city formerly consisted of unincorporated areas in the county or municipalities in the county, or both, which are provided fire protection services and emergency medical services by one or more fire protection districts. Such fire protection districts shall continue to provide services to the area comprising the new city and may levy and collect taxes the same as such districts had prior to the creation of such new city.

2. Fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, shall continue to provide fire protection services, including emergency medical services to such area.

**3. Notwithstanding any other provision of law to the contrary, beginning January 1, 2016, any fire protection districts serving the area included within any annexation by a city having a fire department, including simplified boundary changes, which annexation is not completed by August 28, 2015, shall continue to levy and collect taxes the same as**

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 such districts had prior to the annexation. The annexing city shall not levy or collect any  
17 property taxes on the annexed property.

18 4. Notwithstanding any other provision of law to the contrary, for any fire  
19 protection districts serving the area included within any annexation by a city having a fire  
20 department, including simplified boundary changes, which annexation has been completed  
21 by August 28, 2015:

22 (1) Beginning January 1, 2016:

23 (a) The annexing city shall pay annually to the fire protection district an amount equal  
24 to **eighty percent** of that which the fire protection district would have levied on all taxable  
25 property within the annexed area. [Such annexed area shall not be subject to taxation for any  
26 purpose thereafter by the fire protection district except for bonded indebtedness by the fire  
27 protection district which existed prior to the annexation.] The amount to be paid annually by the  
28 municipality to the fire protection district pursuant hereto shall be **eighty percent of [a] the** sum  
29 equal to the annual assessed value multiplied by the annual tax rate as certified by the fire  
30 protection district to the municipality, including any portion of the tax created for emergency  
31 medical service provided by the district, per one hundred dollars of assessed value in such area.  
32 The tax rate so computed shall include any tax on bonded indebtedness incurred subsequent to  
33 such annexation, but shall not include any portion of the tax rate for bonded indebtedness  
34 incurred prior to such annexation. **The annexing city shall not levy or collect any property**  
35 **taxes on the annexed property.**

36 (b) **The annexed area shall be subject to taxation by the fire protection district for**  
37 **twenty percent of the sum equal to the annual assessed value multiplied by the annual tax**  
38 **rate as certified by the fire protection district to the municipality, including any portion**  
39 **of the tax created for emergency medical service provided by the district, per one hundred**  
40 **dollars of assessed value in such area. The tax rate so computed shall include any tax on**  
41 **bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed**  
42 **area shall be subject to taxation by the fire protection district for bonded indebtedness by**  
43 **the fire protection district which existed prior to the annexation.**

44 (2) Beginning January 1, 2017:

45 (a) **The annexing city shall pay annually to the fire protection district an amount**  
46 **equal to sixty percent of that which the fire protection district would have levied on all**  
47 **taxable property within the annexed area. The amount to be paid annually by the**  
48 **municipality to the fire protection district pursuant hereto shall be eighty percent of the**  
49 **sum equal to the annual assessed value multiplied by the annual tax rate as certified by the**  
50 **fire protection district to the municipality, including any portion of the tax created for**  
51 **emergency medical service provided by the district, per one hundred dollars of assessed**

52 value in such area. The tax rate so computed shall include any tax on bonded indebtedness  
53 incurred subsequent to such annexation, but shall not include any portion of the tax rate  
54 for bonded indebtedness incurred prior to such annexation. The annexing city shall not  
55 levy or collect any property taxes on the annexed property.

56 (b) The annexed area shall be subject to taxation by the fire protection district for  
57 forty percent of the sum equal to the annual assessed value multiplied by the annual tax  
58 rate as certified by the fire protection district to the municipality, including any portion  
59 of the tax created for emergency medical service provided by the district, per one hundred  
60 dollars of assessed value in such area. The tax rate so computed shall include any tax on  
61 bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed  
62 area shall be subject to taxation by the fire protection district for bonded indebtedness by  
63 the fire protection district which existed prior to the annexation.

64 (3) Beginning January 1, 2018:

65 (a) The annexing city shall pay annually to the fire protection district an amount  
66 equal to forty percent of that which the fire protection district would have levied on all  
67 taxable property within the annexed area. The amount to be paid annually by the  
68 municipality to the fire protection district pursuant hereto shall be eighty percent of the  
69 sum equal to the annual assessed value multiplied by the annual tax rate as certified by the  
70 fire protection district to the municipality, including any portion of the tax created for  
71 emergency medical service provided by the district, per one hundred dollars of assessed  
72 value in such area. The tax rate so computed shall include any tax on bonded indebtedness  
73 incurred subsequent to such annexation, but shall not include any portion of the tax rate  
74 for bonded indebtedness incurred prior to such annexation. The annexing city shall not  
75 levy or collect any property taxes on the annexed property.

76 (b) The annexed area shall be subject to taxation by the fire protection district for  
77 sixty percent of the sum equal to the annual assessed value multiplied by the annual tax  
78 rate as certified by the fire protection district to the municipality, including any portion  
79 of the tax created for emergency medical service provided by the district, per one hundred  
80 dollars of assessed value in such area. The tax rate so computed shall include any tax on  
81 bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed  
82 area shall be subject to taxation by the fire protection district for bonded indebtedness by  
83 the fire protection district which existed prior to the annexation.

84 (4) Beginning January 1, 2019:

85 (a) The annexing city shall pay annually to the fire protection district an amount  
86 equal to twenty percent of that which the fire protection district would have levied on all  
87 taxable property within the annexed area. The amount to be paid annually by the

88 **municipality to the fire protection district pursuant hereto shall be eighty percent of the**  
89 **sum equal to the annual assessed value multiplied by the annual tax rate as certified by the**  
90 **fire protection district to the municipality, including any portion of the tax created for**  
91 **emergency medical service provided by the district, per one hundred dollars of assessed**  
92 **value in such area. The tax rate so computed shall include any tax on bonded indebtedness**  
93 **incurred subsequent to such annexation, but shall not include any portion of the tax rate**  
94 **for bonded indebtedness incurred prior to such annexation. The annexing city shall not**  
95 **levy or collect any property taxes on the annexed property.**

96 **(b) The annexed area shall be subject to taxation by the fire protection district for**  
97 **eighty percent of the sum equal to the annual assessed value multiplied by the annual tax**  
98 **rate as certified by the fire protection district to the municipality, including any portion**  
99 **of the tax created for emergency medical service provided by the district, per one hundred**  
100 **dollars of assessed value in such area. The tax rate so computed shall include any tax on**  
101 **bonded indebtedness incurred subsequent to such annexation. Additionally, the annexed**  
102 **area shall be subject to taxation by the fire protection district for bonded indebtedness by**  
103 **the fire protection district which existed prior to the annexation.**

104 **(5) Beginning January 1, 2020, and thereafter, the annexed area shall be subject to**  
105 **taxation by the fire protection district for all taxes levied, including bonded indebtedness**  
106 **prior to and after annexation. The annexing city shall not levy or collect any property**  
107 **taxes on the annexed property.**

108 **5.** Notwithstanding any other provision of law to the contrary, the residents of an area  
109 annexed on or after May 26, 1994, may vote in all fire protection district elections and may be  
110 elected to the fire protection district board of directors.

111 **[3.] 6.** The fire protection district may approve or reject any proposal for the provision  
112 of fire protection and emergency medical services by a city.

190.055. 1. The board of directors of a district shall possess and exercise all of its  
2 legislative and executive powers. Within thirty days after the election of the initial directors, the  
3 board shall meet. The time and place of the first meeting of the board shall be designated by the  
4 county commission. At its first meeting and after each election of new board members the board  
5 shall elect a chairman from its members and select a secretary, treasurer and such officers or  
6 employees as it deems expedient or necessary for the accomplishment of its corporate objectives.  
7 The secretary and treasurer need not be members of the board. At the meeting the board, by  
8 ordinance, shall define the first and subsequent fiscal years of the district, and shall adopt a  
9 corporate seal and bylaws, which shall determine the times for the annual election of officers and  
10 of other regular and special meetings of the board and shall contain the rules for the transaction  
11 of other business of the district and for amending the bylaws.

12           2. Each board member of any district shall devote such time to the duties of the office  
13 as the faithful discharge thereof may require, including educational programs provided by the  
14 state and each board member may be reimbursed for actual expenditures in the performance of  
15 his or her duties on behalf of the district.

16           3. The secretary and treasurer, if members of the board of directors, may each receive  
17 additional compensation for the performance of their duties as secretary or treasurer as the board  
18 shall deem reasonable and necessary; provided that, such additional compensation shall not  
19 exceed one thousand dollars per year.

20           4. Each board member may receive an attendance fee not to exceed one hundred dollars  
21 for attending each regularly or specially called board meeting. Such member shall not be paid  
22 for attending more than two meetings in any calendar month, except that in a county of the first  
23 classification having a charter form of government, such member shall not be paid for attending  
24 more than four such meetings in any calendar month. In addition, the chairman of the board may  
25 receive fifty dollars for attending each regularly or specially called board meeting, but such  
26 chairman shall not be paid the additional fee for attending more than two meetings in any  
27 calendar month.

28           5. The compensation authorized by subsections 3 and 4 of this section shall only apply:

29           (1) If such compensation is approved by the board of such district; and

30           (2) To any elected term of any board member beginning after August 28, 2000.

31           **6. Notwithstanding any other provision of law to the contrary, individual board**  
32 **members shall not be eligible for employment by the board within twelve months of**  
33 **termination of service as a member of the board unless such employment is on a volunteer**  
34 **basis or without compensation.**

          321.017. 1. Notwithstanding the provisions of section 321.015, no employee of any fire  
2 protection district or ambulance district shall serve as a member of any fire district or ambulance  
3 district board while such person is employed by any fire district or ambulance district, except that  
4 an employee of a fire protection district or an ambulance district may serve as a member of a  
5 voluntary fire protection district board or a voluntary ambulance district board.

6           **2. Notwithstanding any other provision of law to the contrary, individual board**  
7 **members shall not be eligible for employment by the board within twelve months of**  
8 **termination of service as a member of the board unless such employment is on a volunteer**  
9 **basis or without compensation.**

          321.130. [1.] A person, to be qualified to serve as a director, shall be a **resident and**  
2 voter of the district **for** at least one year before the election or appointment and be over the age  
3 of twenty-five years[; except as provided in subsections 2 and 3 of this section. The person shall  
4 also be a resident of such fire protection district]. In the event the person is no longer a resident

5 of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in  
6 section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters  
7 of the fire protection district by paying a [ten dollar] filing fee **equal to the amount of a**  
8 **candidate for county office as set forth under section 115.357**, and filing a statement under  
9 oath that such person possesses the required qualifications.

10 [2. In any fire protection district located in more than one county one of which is a first  
11 class county without a charter form of government having a population of more than one hundred  
12 ninety-eight thousand and not adjoining any other first class county or located wholly within a  
13 first class county as described herein, a resident shall have been a resident of the district for more  
14 than one year to be qualified to serve as a director.

15 3. In any fire protection district located in a county of the third or fourth classification,  
16 a person to be qualified to serve as a director shall be over the age of twenty-five years and shall  
17 be a voter of the district for more than one year before the election or appointment, except that  
18 for the first board of directors in such district, a person need only be a voter of the district for one  
19 year before the election or appointment.

20 4. A person desiring to become a candidate for the first board of directors of the  
21 proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and  
22 shall file with the election authority a statement under oath that such person possesses all of the  
23 qualifications set out in this chapter for a director of a fire protection district.] Thereafter, such  
24 candidate shall have the candidate's name placed on the ballot as a candidate for director.

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

321.322. 1. If any property located within the boundaries of a fire protection district  
2 shall be included within a city having a population of at least two thousand five hundred but not  
3 more than sixty-five thousand which is not wholly within the fire protection district and which  
4 maintains a city fire department, then upon the date of actual inclusion of the property within the  
5 city, as determined by the annexation process, the city shall within sixty days assume by contract  
6 with the fire protection district all responsibility for payment in a lump sum or in installments  
7 an amount mutually agreed upon by the fire protection district and the city for the city to cover

8 all obligations of the fire protection district to the area included within the city, and thereupon  
9 the fire protection district shall convey to the city the title, free and clear of all liens or  
10 encumbrances of any kind or nature, any such tangible real and personal property of the fire  
11 protection district as may be agreed upon, which is located within the part of the fire protection  
12 district located within the corporate limits of the city with full power in the city to use and  
13 dispose of such tangible real and personal property as the city deems best in the public interest,  
14 and the fire protection district shall no longer levy and collect any tax upon the property included  
15 within the corporate limits of the city; except that, if the city and the fire protection district  
16 cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire  
17 protection in the annexed area on or before January first of the third calendar year following the  
18 actual inclusion of the property within the city, as determined by the annexation process, and  
19 furthermore the fire protection district shall not levy and collect any tax upon that property  
20 included within the corporate limits of the city after the date of inclusion of that property:

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

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

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

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

41 (5) On or before January first of the sixth calendar year occurring after the date on which  
42 the property was included within the city, the city shall pay to the fire protection district a fee  
43 equal to one-fifth of the amount of revenue which would have been generated during the

44 previous calendar year by the fire protection district tax on the property in the area annexed  
45 which was formerly a part of the fire protection district.

46

47 Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with  
48 a fire protection district for mutually agreeable services. This section shall also apply to those  
49 fire protection districts and cities which have not reached agreement on overlapping boundaries  
50 previous to August 28, 1990. Such fire protection districts and cities shall be treated as though  
51 inclusion of the annexed area took place on December thirty-first immediately following August  
52 28, 1990.

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

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

57 4. The provisions of this section shall not apply where the annexing city or town operates  
58 a city fire department, is any city of the third classification with more than six thousand but fewer  
59 than seven thousand inhabitants and located in any county with a charter form of government and  
60 with more than two hundred thousand but fewer than three hundred fifty thousand inhabitants,  
61 and is entirely surrounded by a single fire protection district. In such cases, the provision of fire  
62 and emergency medical services following annexation shall be governed by subsections 2, **4 and**  
63 **6** [and 3] of section 72.418.

✓