

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 774, Page 66, Section 320.091, Line 18,
2 by inserting after all of said section and line the following:

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

10 2. The boundaries may be changed as follows:

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

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

28 (3) Notwithstanding any provision of law to the contrary, in any fire protection district
29 which is partly or wholly located in a noncharter county of the first classification with a population
30 of less than one hundred thousand which adjoins any county of the first classification with a charter
31 form of government with a population of nine hundred thousand or more inhabitants, if such fire
32 protection district serves any portion of a city which is located in both such counties, the boundaries
33 of the district may be expanded so as to include the entire city within the fire protection district, but
34 the boundaries of the district shall not be expanded beyond the city limits of such city, as the
35 boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district
36 shall be accomplished only if twenty-five percent of the number of voters who voted in the most

Action Taken _____ Date _____

1 recent gubernatorial election in the area to be annexed file with the board a petition in writing
 2 praying that such real property be included within the district. The petition shall describe the
 3 property to be included in the district and shall describe the property owned by the petitioners and
 4 shall be deemed to give assent of the petitioners to the inclusion in the district of the property
 5 described in the petition; and such petition shall be in substantially the form set forth in section
 6 321.495 dealing with referendums and verified in like manner.

7 (4) Notwithstanding any provision of law to the contrary, if one or more fire protection
 8 districts serve any portion of a city with a charter form of government that has a municipal fire
 9 department and is located in a county with a charter form of government with a population of nine
 10 hundred thousand or more inhabitants, the boundaries of any district may be expanded so as to
 11 include areas within the city into the boundaries of a fire protection district, but the boundaries of
 12 any district shall not be expanded beyond the city limits of such city, as the boundaries of such city
 13 existed on July 1, 2020. Such change in the district boundaries shall be accomplished pursuant to
 14 the provisions of this subdivision only if the governing body of such city shall file with the board of
 15 any such fire protection district a written consent for the board to seek approval of the circuit court
 16 having jurisdiction over the district for extension of the district's boundaries and to submit the
 17 question of extension of the district's boundaries to the registered voters of the area described in the
 18 city's consent with respect to that district. If the board of directors of the fire protection district or
 19 districts endorse the consent filed by such city, the district may petition the circuit court having
 20 jurisdiction over such district to order the extension of the district's boundaries to include the area
 21 described in the city's written consent with respect to that district subject to approval at an election
 22 held for that purpose. At such election, the question shall be submitted to the registered voters of
 23 the area to be included in a fire protection district in substantially the following form:

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

26 YES NO

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

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

44 4. If the board deems it for the best interest of the district, it shall grant the petition, but if
 45 the board determines that some portion of the property mentioned in the petition cannot as a
 46 practical matter be served by the district, or if it deems it for the best interest of the district that some
 47 portion of the property in the petition not be included in the district, then the board shall grant the
 48 petition in part only. If the petition is granted, the board shall make an order to that effect and file
 49 the same with the circuit clerk; and upon the order of the court having jurisdiction over the district,

1 the property shall be included in the district. If the petition contains the signatures of all the owners
2 of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the
3 property shall be included in the district upon the order of the court. If the petition contains the
4 signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial
5 election in the area to be annexed pursuant to subdivision (1) or subdivision (3) of subsection 2 of
6 this section, the property shall be included in the district subject to the election provided in section
7 321.301. The circuit court having jurisdiction over the district shall proceed to make any such order
8 including such additional property within the district as is provided in the order of the board, unless
9 the court shall find that such order of the board was not authorized by law or that such order of the
10 board was not supported by competent and substantial evidence.

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

14 6. No fire protection district, or employee thereof, in which territory is annexed pursuant to
15 this section shall be required to comply with any prescribed firefighter training program or regimen
16 which would not otherwise apply to the district or its employees, but for the requirements applicable
17 to the annexed territory."; and
18

19 Further amend said bill, Page 113, Section E, Line 6, by inserting after all of said section and line
20 the following:

21
22 "Section F. Because of the need to submit a question to the voters in a timely manner, the
23 repeal and reenactment of section 321.300 of this act is deemed necessary for the immediate
24 preservation of the public health, welfare, peace and safety, and is hereby declared to be an
25 emergency act within the meaning of the constitution, and the repeal and reenactment of section
26 321.300 of this act shall be in full force and effect upon its passage and approval."; and
27

28 Further amend said bill by amending the title, enacting clause, and intersectional references
29 accordingly.