

SECOND REGULAR SESSION

HOUSE BILL NO. 2045

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TOALSON REISCH.

4281H.021

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 321.320, RSMo, and to enact in lieu thereof one new section relating to fire protection districts, with an emergency clause.

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

Section A. Section 321.320, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.320, to read as follows:

321.320. 1. Except as otherwise provided in this section, if any property, located within the boundaries of a fire protection district, is included within a city having a population of forty thousand inhabitants or more, which city is not wholly within the fire protection district, and which city maintains a city fire department, the property is excluded from the fire protection district.

2. Notwithstanding any provision of law to the contrary, unless otherwise approved by a majority vote of the governing body of the municipality and a majority vote of the governing body of the fire protection district, or otherwise approved by a majority vote of the qualified voters in the municipality and a majority vote of the qualified voters in the fire protection district, a fire protection district serving an area included within any annexation by a municipality located in any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or an area included within any annexation by a municipality in a county having a charter form of government, approved by a vote after January 1, 2008, including simplified boundary changes, shall, following the annexation:

(1) Continue to provide fire protection services, including emergency medical services to such area;

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.

17 (2) Levy and collect any tax upon all taxable property included within the annexed area
18 authorized under chapter 321;

19 (3) Enforce any fire protection and fire prevention ordinances adopted and amended by
20 the fire protection district in such area.

21 3. All costs associated with placing an annexation on the ballot within a municipality that
22 involves an area that is served by a fire protection district shall be borne by the municipality.

23 4. The provisions of subsections 2 and 3 of this section shall not apply to:

24 (1) Any city of the third classification with more than four thousand five hundred but
25 fewer than five thousand inhabitants and located in any county with a charter form of
26 government and with more than two hundred thousand but fewer than three hundred fifty
27 thousand inhabitants;

28 (2) Any city of the fourth classification with more than three thousand but fewer than
29 three thousand seven hundred inhabitants and located in any county with a charter form of
30 government and with more than two hundred thousand but fewer than three hundred fifty
31 thousand inhabitants; and

32 (3) Any city of the third classification with more than eleven thousand five hundred but
33 fewer than thirteen thousand inhabitants and located in any county with a charter form of
34 government and with more than two hundred thousand but fewer than three hundred fifty
35 thousand inhabitants.

36 5. Notwithstanding any other provision of law to the contrary, the residents of an area
37 included within any annexation by a municipality located in any county of the first classification
38 with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants, or
39 an area included within any annexation by a municipality in a county having a charter form of
40 government, approved by a vote after January 1, 2008, may vote in all fire protection district
41 elections and may be elected to the fire protection district board of directors.

42 **6. With regard to any newly annexed territory contained within a fire district**
43 **boundary, a municipality shall have no obligation to respond to calls for service within**
44 **such area.**

Section B. Because immediate action is necessary to clarify which fire department
2 responds to emergencies in a particular area, the repeal and reenactment of section 321.320 of
3 this act is deemed necessary for the immediate preservation of the public health, welfare, peace,
4 and safety and is hereby declared to be an emergency act within the meaning of the constitution,
5 and the repeal and reenactment of section 321.320 of this act shall be in full force and effect
6 upon its passage and approval.

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