

House _____ Amendment NO. _____

Offered By

1 AMEND House Bill No. 2102, Page 1, In the Title, Line 2, by deleting the word "board"; and

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3 Further amend said bill, page, and section, Line 3, by deleting the words "central dispatching for";
4 and

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6 Further amend said bill, Page 4, Section 190.335, Line 106, by inserting after all of said section and
7 line the following:

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9 "321.310. 1. Any owner of any real or personal property contained within the boundaries of
10 the district may file with the board a petition praying that such property be excluded and taken from
11 the district. Such petition shall describe the property which the petitioner desires to have excluded,
12 and must be acknowledged in the same manner and form as required in case of a conveyance of
13 land, and be accompanied by a deposit of money sufficient to pay all costs of the exclusion
14 proceedings. The secretary of the board shall cause a notice of filing of such petition to be
15 published in the county in which the property is located. The notice shall state the filing of such
16 petition, the name of the petitioner, description of the property mentioned sought to be excluded and
17 the prayer of the petitioner; and it shall notify all persons interested to appear at the office of the
18 board at the time named in the notice, showing cause in writing, if any they have, why the petition
19 should not be granted. The board at the time and place mentioned in the notice, or at the time or
20 times at which the hearing of the petition may be adjourned, shall proceed to hear the petition and
21 all objections thereto presented in writing by any person showing cause as aforesaid, why the prayer
22 of the petition should not be granted. The filing of such petition shall be deemed and assent by the
23 petitioner to the exclusion from the district of the property mentioned in the petition, or any part
24 thereof.

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

28 (1) Be signed by every owner of a parcel within the subdivision sought to be excluded,
29 which signatures shall be affixed before a person who shall certify, by affidavit acknowledged
30 before a notary public, that the signatures were affixed in his or her presence;

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

33 (3) Include a statement from any rural, volunteer, or subscription fire department or
34 organization, volunteer fire protection association, or municipality that such entity or municipality
35 will provide fire protection services to the subdivision either directly or by contract with another fire
36 protection entity upon an order by the court excluding the subdivision from the district issued under

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 this section; and

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

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 5 The secretary of the board shall cause a notice of filing of such petition to be published in the
 6 county in which the subdivision is located. The notice shall state the filing of such petition, the
 7 names of the petitioners, a description of the property, the name of the fire department, organization,
 8 or association that will provide fire protection services if the petition is approved, and the prayer of
 9 the petitioners. The secretary shall notify all persons interested, including anyone who owns
 10 property within the subdivision, to appear at the office of the board at the time named in the notice,
 11 showing cause in writing, if any they have, why the petition should not be granted. The board at the
 12 time and place mentioned in the notice, or at the time or times at which the hearing of the petition
 13 may be adjourned, shall proceed to hear the petition and all objections thereto presented in writing
 14 by any person showing cause as aforesaid why the prayer of the petition should not be granted. The
 15 filing of such petition shall be deemed to be assent by the petitioners to the exclusion from the
 16 district of the property mentioned in the petition.

17 3. The board, if it deems it not for the best interests of the district that the property
 18 mentioned in the petition, or any portion thereof, shall be excluded from the district, shall order that
 19 the petition be denied; but if it determines that the property mentioned in the petition, or any portion
 20 thereof, cannot as a practical matter be served by the district or if it deems it for the best interest of
 21 the district that the property mentioned in the petition, or some portion thereof, be excluded from
 22 the district, then the board may order the property mentioned in the petition, or some portion
 23 thereof, excluded from the district. Upon allowance of such petition, the board shall file a certified
 24 copy of the order of the board making such change with the circuit clerk. Upon order of the court,
 25 the property shall be excluded from the district, and a copy of the order of the board and the order
 26 of the court shall be filed with the county clerk in each county in which the district lies. The circuit
 27 court having jurisdiction over the district shall make any such order excluding property from the
 28 district as provided in the order of the board, unless the court shall find that such order of the board
 29 was not authorized by law, or that such order of the board was not supported by competent and
 30 substantial evidence. Any person aggrieved by any decision of the board made pursuant to the
 31 provisions of this section may appeal that decision to the circuit court within thirty days of the
 32 decision for a trial de novo.

33 321.330. 1. All real property included within, or excluded from, a district shall thereafter
 34 be subject to the levy of taxes for the payment of any indebtedness of the district outstanding at the
 35 time of inclusion or exclusion[; provided, however, that].

36 2. After any real property [shall have] has been excluded from a district, as herein provided,
 37 any buildings and improvements thereafter erected or constructed on said excluded real property,
 38 and all machinery and equipment thereafter installed or placed therein or thereon, and all tangible
 39 personal property not in said district at the time of the exclusion of said real property from said
 40 district which shall thereafter be situate on or used in connection with said real property, shall not be
 41 subject to any taxes levied by said district.

42 3. Any real property excluded from a district under subsection 2 of section 321.310 shall not
 43 be subject to the provisions of subsection 1 of this section."; and

44
 45 Further amend said bill by amending the title, enacting clause, and intersectional references
 46 accordingly.