

FIRST REGULAR SESSION

# HOUSE BILL NO. 891

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE PRATT.

Read 1<sup>st</sup> time March 31, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

1919L.011

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### AN ACT

To repeal section 321.460, RSMo, and to enact in lieu thereof one new section relating to consolidation of fire protection districts.

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

Section A. Section 321.460, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.460, to read as follows:

321.460. 1. Two or more fire protection districts may consolidate with each other in the manner hereinafter provided, and only if the districts have one or more common boundaries, in whole or in part, as to any respective two of the districts which are so consolidating.

2. By a majority vote of each board of directors of each fire protection district included within the proposed consolidation, a consolidation plan may be adopted. The consolidation plan shall include the name of the proposed consolidated district, the legal description of the boundaries of each district to be consolidated, and a legal description of the boundaries of the consolidated district, the amount of outstanding bonds, if any, of each district proposed to be consolidated, a listing of the firehouses within each district, and the names of the districts to be consolidated.

3. Each board of the districts approving the plan for proposed consolidation shall duly certify and file in the office of the clerk of the circuit court of the county in which the district is located a copy of the plan of consolidation, bearing the signatures of those directors who vote in favor thereof, together with a petition for consolidation. The petition may be made jointly by all of the districts within the respective plan of consolidation. A filing fee of fifty dollars shall be deposited with the clerk, on the filing of the petition, against the costs of court.

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           4. The circuit court sitting in and for any county to which the petition is presented is  
18 hereby vested with jurisdiction, power and authority to hear the same, and to approve the  
19 consolidation and order such districts consolidated, after holding an election, as hereinafter  
20 provided.

21           5. If the circuit court finds the plan for consolidation to have been duly approved by the  
22 respective boards of directors of the fire protection districts proposed to be consolidated, then  
23 the circuit court shall enter its order of record, directing the submission of the question.

24           6. The order shall direct publication of notice of election, and shall fix the date thereof.  
25 The order shall direct that the elections shall be held to vote on the proposition of consolidating  
26 the districts and to elect three **or five** persons, having the qualifications declared in section  
27 321.130 and being among the then directors of the districts proposed to be consolidated, to  
28 become directors of the consolidated district.

29           7. The question shall be submitted in substantially the following form:

30           Shall the ..... Fire Protection Districts and the ..... Fire Protection District be consolidated  
31 into one fire protection district to be known as the ..... Fire Protection District, with tax levies not  
32 in excess of the following amounts: maintenance fund ..... cents per one hundred dollars  
33 assessed valuation; ambulance service ..... cents per one hundred dollars assessed valuation;  
34 pension fund ..... cents per one hundred dollars assessed valuation; and dispatching fund .....  
35 cents per one hundred dollars assessed valuation?

36           8. If, upon the canvass and declaration, it is found and determined that a majority of the  
37 voters of the districts voting on the proposition or propositions have voted in favor of the  
38 proposition to incorporate the consolidated district, then the court shall then further, in its order,  
39 designate the first board of directors of the consolidated district, who have been elected by the  
40 voters voting thereon, **for a three-director district**, the one receiving the third highest number  
41 of votes **or for a five-director district, the two receiving the fourth and fifth highest number**  
42 **of votes** to hold office until the first Tuesday in April which is more than one year after the date  
43 of election[.]; **for a three-director district**, the one receiving the second highest number of  
44 votes **or for a five-director district, the two receiving the third and second highest votes** to  
45 hold office until two years after the first Tuesday aforesaid[.]; and **for both a three-director and**  
46 **five-director district**, the one receiving the highest number of votes until four years after the  
47 first Tuesday in April as aforesaid. If any other propositions are also submitted at the election,  
48 the court, in its order, shall also declare the results of the votes thereon. If the court shall find  
49 and determine, upon the canvass and declaration, that a majority of the voters of the consolidated  
50 district have not voted in favor of the proposition to incorporate the consolidated district, then  
51 the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss  
52 the same at the cost of petitioners.