

SECOND REGULAR SESSION

# HOUSE BILL NO. 1899

## 97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES PFAUTSCH (Sponsor), MOLENDORP,  
BRATTIN AND RUNIONS (Co-sponsors).

6059H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 321.322, RSMo, and to enact in lieu thereof one new section relating to annexing property in a fire protection district.

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

Section A. Section 321.322, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 321.322, to read as follows:

321.322. 1. If any property located within the boundaries of a fire protection district shall be included within a city having a population of at least two thousand five hundred but not more than sixty-five thousand which is not wholly within the fire protection district and which maintains a city fire department, then upon the date of actual inclusion of the property within the city, as determined by the annexation process, the city shall within sixty days assume by contract with the fire protection district all responsibility for payment in a lump sum or in installments an amount mutually agreed upon by the fire protection district and the city for the city to cover all obligations of the fire protection district to the area included within the city, and thereupon the fire protection district shall convey to the city the title, free and clear of all liens or encumbrances of any kind or nature, any such tangible real and personal property of the fire protection district as may be agreed upon, which is located within the part of the fire protection district located within the corporate limits of the city with full power in the city to use and dispose of such tangible real and personal property as the city deems best in the public interest, and the fire protection district shall no longer levy and collect any tax upon the property included within the corporate limits of the city; except that, if the city and the fire protection district cannot mutually agree to such an arrangement, then the city shall assume responsibility for fire

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 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.

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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 and was on January 1, 2005, a city of the fourth classification with more  
59 than eight thousand nine hundred but fewer than nine thousand inhabitants and entirely  
60 surrounded by a single fire district. In such cases, the provision of fire and emergency medical  
61 services following annexation shall be governed by subsections 2 and 3 of section 72.418.

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

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