

HB 2680 with HCA 1 -- FIRE PROTECTION DISTRICT PROPERTY EXCLUSION

SPONSOR: Brattin

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Local Government by a vote of 11 to 0.

This bill allows owners of property in a residential subdivision to file a single petition with the fire protection district board seeking to have all real property within the subdivision excluded from the fire protection district. The petition must be signed by every owner of a parcel in the subdivision, must describe the property to be excluded, and must include a statement from any rural, volunteer, or subscription fire department or organization, volunteer fire protection association, or municipality that the entity will provide fire protection services to the subdivision either directly or by contract with another fire protection entity upon an order by the court excluding the subdivision from the district. The secretary of the board must cause a notice of filing of the petition to be published in the county in which the subdivision is located and notify all interested persons to appear at the office of the board at the time named in the notice showing cause in writing, if any, why the petition should not be granted. The filing of the petition must be deemed to be assent by the petitioners to the exclusion from the district.

This bill is similar to HB 2109 (2014).

HCA #1: This amendment provides that if a property owner is alleged to be subject to the levy of two different fire protection agencies, the property owner may file a petition for declaratory judgment requesting that the court determine which one agency has jurisdiction. The requests of two or more property owners may be joined. The fire protection agency that does not have jurisdiction over the property is required to pay all the other parties' court costs, including attorney fees. This judgment may be appealed in the same manner that other judgments are appealed.

There is an emergency clause for the declaratory judgment section.

The authorization for the declaratory judgment replaces the provisions authorizing a petition procedure for an entire subdivision to be excluded from a fire protection district.

PROPOSERS: Supporters say that the fire protection district's response time is too long and that they never paid taxes to the fire protection district until the district built a big new fire station.

Testifying for the bill were Representative Brattin; Amy Evangelista; and Danny Muchmore.

OPPONENTS: Those who oppose the bill say that if there was an error made with regard to the fire protection district taxes, it was not made by them. This is a local issue that should be resolved locally, not by the state.

Testifying against the bill were William Large; Gary Donovan, Central County Fire & Rescue; Missouri Fire Service Alliance; and the Missouri State Council of Fire Fighters.