

# Missouri Revised Statutes

## Chapter 321 Fire Protection Districts

- [←Chapter: 320](#)
- [Chapter: 322→](#) August 28, 2015

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### Definitions--election procedure.

[321.010](#). 1. A "fire protection district" is a political subdivision which is organized and empowered to supply protection by any available means to persons and property against injuries and damage from fire and from hazards which do or may cause fire, and which is also empowered to render first aid for the purpose of saving lives, and to give assistance in the event of an accident or emergency of any kind. The district must consist of contiguous tracts or parcels of property containing all or parts of one or more counties, and may include within its boundaries, or may be contiguous with, any city, town or village.

2. The word "board" as used in this chapter shall mean the board of directors of a fire protection district.

3. Except as otherwise provided in this chapter, all elections herein provided for shall be held and conducted and the returns thereof made, examined, and cast up in the same manner and in all respects as in elections for state and county officers.

(L. 1947 V. I p. 432 § 2, A.L. 1965 p. 509, A.L. 1969 H.B. 322, A.L. 1978 H.B. 971, S.B. 628, A.L. 1979 S.B. 236)

Effective 6-15-79

### District director not to hold other lucrative employment--exemptionscertain counties and employment--lucrative office or employment,defined.

[321.015](#). 1. No person holding any lucrative office or employment under this state, or any political subdivision thereof as defined in section [70.120](#), shall hold the office of fire protection district director under this chapter. When any fire protection district director accepts any office or employment under this state or any political subdivision thereof, his office shall thereby be vacated and he shall thereafter perform no duty and receive no salary or expenses as fire protection district director.

2. This section shall not apply to:

(1) Members of the organized militia, of the reserve corps, public school employees and notaries public;

(2) Fire protection districts located wholly within counties of the second, third or fourth classification;

(3) Fire protection districts in counties of the first classification with less than eighty-five thousand inhabitants;

(4) Fire protection districts located within counties of the first classification not adjoining any other county of the first classification;

(5) Fire protection districts located within any county of the first or second classification not having more than nine hundred thousand inhabitants which borders any three counties of the first classification;

(6) Fire protection districts located within any county of the first classification which adjoins both a county with a charter form of government with more than nine hundred fifty thousand inhabitants, and adjoins at least four other counties;

(7) Fire protection districts located within any county of the first classification with more than one hundred fifty thousand but fewer than two hundred thousand inhabitants.

3. For the purposes of this section, the term "lucrative office or employment" does not include receiving retirement benefits, compensation for expenses, or a stipend or per diem, in an amount not to exceed seventy-five dollars for each day of service, for service rendered to a fire protection district, the state or any political subdivision thereof.

(L. 1978 S.B. 628, A.L. 1984 H.B. 924, A.L. 1990 H.B. 1149, A.L. 1991 H.B. 116, A.L. 2013 H.B. 307 merged with H.B. 336)

**Employee of fire protection district or ambulance district not to be member of board, exception.**

[321.017](#). Notwithstanding the provisions of section [321.015](#), no employee of any fire protection district or ambulance district shall serve as a member of any fire district or ambulance district board while such person is employed by any fire district or ambulance district, except that an employee of a fire protection district or an ambulance district may serve as a member of a voluntary fire protection district board or a voluntary ambulance district board.

(L. 1991 S.B. 262 § 11, A.L. 1993 H.B. 196)

Effective 2-8-93

**Circuit court may establish districts.**

[321.020](#). The circuit court sitting in and for any county of this state, containing all or part of a proposed district, may, as provided in this chapter, establish fire protection districts.

(L. 1947 V. I p. 432 § 3, A.L. 1969 H.B. 322, A.L. 1978 H.B. 1634, S.B. 628, A.L. 1979 S.B. 236)

Effective 6-15-79

### **Petition required for organization of fire district--who to sign.**

[321.030](#). The organization of a district shall be initiated by a petition filed in the office of the clerk of the circuit court vested with jurisdiction in any county in which all or part of the real property in the proposed district is situated. The petition shall be signed by one hundred voters or more of the district.

(L. 1947 V. I p. 432 § 4, A.L. 1978 H.B. 971, S.B. 628)

### **Contents of petition.**

[321.040](#). The petition shall set forth:

(1) The name of the proposed district consisting of a chosen name preceding the words "fire protection district";

(2) An estimate of the number of inhabitants and of the assessed valuation of the taxable tangible property of the district, and of the yield from the intangible personal property located in the district;

(3) The estimated cost of the proposed improvements;

(4) A general description of the boundaries of the district or the territory to be included therein, with such certainty as to enable a property owner to determine whether or not his property is within the district, and a plat of the proposed district;

(5) Such other data and information as may be useful to the court in determining the necessity for the organization of the district;

(6) A prayer for the organization of the district.

(L. 1947 V. I p. 432 § 5)

### **Amendment of petition--similar petitions or duplicates.**

[321.050](#). No petition with the requisite signatures shall be declared null and void on account of alleged defects, but the court may at any time permit the petition to be amended to conform with the facts, by correcting any errors in the description of the territory, or in any other particular, except that the boundaries of the district may not be enlarged by taking in additional territory, without notice to the owners of the property thus affected, which notice may be made by publication or service of such pleadings and orders on the owners so affected. Similar petitions or duplicate copies of the same petition for the organization of the same district, revising the boundaries of the proposed district, or recommending another chosen name for the district, may be filed at any time before a hearing is had

on the petition, and shall, together with the first petition, be regarded as one petition, and shall be considered by the court the same as though filed with the first petition placed on file.

(L. 1947 V. I p. 432 § 6)

#### **Filing fee.**

[321.060](#). There shall be filed with the petition, or petitions, a filing fee in the amount of one hundred dollars to cover the payment of court costs.

(L. 1947 V. I p. 432 § 7)

#### **Publication of notice of hearing--fixing time and place.**

[321.070](#). Immediately after the filing of such petition or any amended petition changing the boundaries, the court wherein such petition is filed or the judge thereof in vacation shall, by order, fix a time and place not less than thirty days nor more than sixty days after the petition is filed for a hearing thereon, and thereupon the circuit clerk shall cause notice by publication to be made of the filing of the petition and the pendency of the action and of the time and place of the hearing thereon. The circuit clerk shall also forthwith cause a copy of the notice to be mailed by United States registered mail to the governing body of each municipality having territory within the proposed boundaries of the proposed district, and to the county commission of each county in which the proposed district lies.

(L. 1947 V. I p. 432 § 8, A.L. 1978 S.B. 628)

#### **Jurisdiction of proceedings--judge owning property not disqualified.**

[321.080](#). The circuit court in and for the county in which the petition for the organization of a district has been filed shall thereafter for all purposes of this chapter, except as otherwise provided, maintain and have original and exclusive jurisdiction over all matters connected with or affected by said district. No judge of the circuit court wherein such petition is filed shall be disqualified to perform any duty imposed by this chapter by reason of ownership of property within the proposed district.

(L. 1947 V. I p. 432 § 9, A.L. 1969 H.B. 322)

#### **Protesting petition may be filed--who to sign--contents.**

[321.090](#). Any time after the filing of a petition for the organization of a district and before the day fixed for the hearing thereon, a petition may be filed in the office of the circuit clerk, wherein the petition for the organization of such district is pending, protesting against the creation of the proposed district. Such protesting petition shall be signed and filed by or on behalf of one or more voters of the district, and shall recite wherein the incorporation of the district will not promote the purposes as set forth in the petition, or wherein sufficient facts have not been related to justify the incorporation of such district, and any other facts which may be useful to the court in determining whether or not such original petition shall be allowed.

(L. 1947 V. I p. 432 § 10, A.L. 1978 H.B. 971)

### **Hearing--adjudication--corporate powers.**

**321.100.** Upon the hearing if it shall appear that a petition for the organization of a district has been signed and presented pursuant to the provisions of this chapter, and that the allegations of the petition are true and that no protesting petition has been filed, or if one has been filed, that the facts adduced in behalf thereof at the hearing are insufficient to sustain the protesting petition, the court shall, by order duly entered of record, adjudicate all questions of jurisdiction, declare the district organized, define the boundaries thereof, and give it a corporate name by which in all proceedings it shall thereafter be known, and thereupon the district, subject to the election herein provided, shall be a political subdivision of the state of Missouri and a body corporate with all the powers of like or similar corporations.

(L. 1947 V. I p. 432 § 11, A.L. 1969 H.B. 322)

### **Dismissal of proceedings--costs--review.**

**321.110.** Upon the hearing if the court finds that the petition has not been signed, filed and presented pursuant to the provisions of this chapter, or that the material facts are not as set forth in the petition filed, or that sufficient facts have not been presented to justify the incorporation of the district, it shall dismiss the proceedings and adjudge the costs against the signers of the petition, or petitions, in such proportion as it deems just and equitable. No appeal or writ of error shall lie from an order dismissing the proceeding; but nothing herein shall be construed to prevent the filing of a subsequent petition, or petitions, for similar improvements or for a similar district, and the right so to renew such proceeding is hereby expressly granted and authorized.

(L. 1947 V. I p. 432 § 14, A.L. 1969 H.B. 322)

### **Election before decree becomes conclusive--decree to determine number of directors--ballot form--successor directors, terms--may increase number of directors, exception--ballot, form--terms.**

**321.120.** 1. The decree of incorporation shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree, and until it has been assented to by a majority vote of the voters of the district voting on the question. The decree shall also provide for the holding of the election to vote on the proposition of incorporating the district, and to select three or five persons to act as the first board of directors, and shall fix the date for holding the election.

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

Shall there be incorporated a fire protection district?

YES  NO

3. The proposition of electing the first board of directors or the election of subsequent directors may be submitted on a separate ballot or on the same ballot which contains any other proposition of

the fire protection district. The ballot to be used for the election of a director or directors shall be substantially in the following form:

OFFICIAL BALLOT

Instruction to voters:

Place a cross (X) mark in the square opposite the name of the candidate or candidates you favor. (Here state the number of directors to be elected and their term of office.)

ELECTION

(Here insert name of district.) Fire Protection District. (Here insert date of election.)

FOR BOARD OF DIRECTORS

- ..... [ ]
- ..... [ ]
- ..... [ ]

4. If a majority of the voters voting on the proposition or propositions voted in favor of the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to incorporate the district, then the court shall enter its further order declaring the decree of incorporation to be void and of no effect. If the court enters an order declaring the decree of incorporation to be final and conclusive, it shall at the same time designate the first board of directors of the district who have been elected by the voters voting thereon. If a board of three members is elected, the person receiving the third highest number of votes shall hold office for a term of two years, the person receiving the second highest number of votes shall hold office for a term of four years, and the person receiving the highest number of votes shall hold office for a term of six years from the date of the election of the first board of directors and until their successors are duly elected and qualified. If a board of five members is elected, the person who received the highest number of votes shall hold office for a term of six years, the persons who received the second and third highest numbers of votes shall hold office for terms of four years and the persons who received the fourth and fifth highest numbers of votes shall hold office for terms of two years and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified. The court shall at the same time enter an order of record declaring the result of the election on the proposition, if any, to incur bonded indebtedness.

5. Notwithstanding the provisions of subsections 1 to 4 of this section to the contrary, upon a motion by the board of directors in districts where there are three-member boards, and upon approval by the voters in the district, the number of directors may be increased to five, except that in any county of the first classification with a population of more than nine hundred thousand inhabitants such increase in the number of directors shall apply only in the event of a consolidation of existing districts. The ballot to be used for the approval of the voters to increase the number of

members on the board of directors of the fire protection district shall be substantially in the following form:

Shall the number of members of the board of directors of the ..... (Insert name of district) Fire Protection District be increased to five members?

YES  NO

If a majority of the voters voting on the proposition vote in favor of the proposition then at the next election of board members after the voters vote to increase the number of directors, the voters shall select two persons to act in addition to the existing three directors as the board of directors. The court which entered the order declaring the decree of incorporation to be final shall designate the additional board of directors who have been elected by the voters voting thereon as follows: the one receiving the second highest number of votes to hold office for a term of four years, and the one receiving the highest number of votes to hold office for a term of six years from the date of the election of such additional board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of six years and until their successors are duly elected and qualified.

6. Members of the board of directors in office on the date of an election pursuant to subsection 5 of this section to elect additional members to the board of directors shall serve the term to which they were elected or appointed and until their successors are elected and qualified.

(L. 1947 V. I p. 432 § 12, A.L. 1969 H.B. 322, A.L. 1977 H.B. 216, A.L. 1978 H.B. 971, S.B. 628, A.L. 1981 S.B. 166, A.L. 1990 H.B. 1395 & 1448, S.B. 862, A.L. 1993 H.B. 373, A.L. 1995 H.B. 452, et al., A.L. 2003 H.B. 511, A.L. 2005 H.B. 58 merged with S.B. 210, A.L. 2011 S.B. 226)

**Directors, qualifications--candidate filing fee, oath.**

321.130. 1. A person, to be qualified to serve as a director, shall be a voter of the district at least one year before the election or appointment and be over the age of twenty-five years; except as provided in subsections 2 and 3 of this section. The person shall also be a resident of such fire protection district. In the event the person is no longer a resident of the district, the person's office shall be vacated, and the vacancy shall be filled as provided in section 321.200. Nominations and declarations of candidacy shall be filed at the headquarters of the fire protection district by paying a ten dollar filing fee and filing a statement under oath that such person possesses the required qualifications.

2. In any fire protection district located in more than one county one of which is a first class county without a charter form of government having a population of more than one hundred ninety-eight thousand and not adjoining any other first class county or located wholly within a first class county as described herein, a resident shall have been a resident of the district for more than one year to be qualified to serve as a director.

3. In any fire protection district located in a county of the third or fourth classification, a person to be qualified to serve as a director shall be over the age of twenty-five years and shall be a voter of the district for more than one year before the election or appointment, except that for the first board

of directors in such district, a person need only be a voter of the district for one year before the election or appointment.

4. A person desiring to become a candidate for the first board of directors of the proposed district shall pay the sum of five dollars as a filing fee to the treasurer of the county and shall file with the election authority a statement under oath that such person possesses all of the qualifications set out in this chapter for a director of a fire protection district. Thereafter, such candidate shall have the candidate's name placed on the ballot as a candidate for director.

(L. 1947 V. I p. 432 § 13, A.L. 1969 H.B. 322, A.L. 1978 H.B. 971, A.L. 1981 S.B. 166, A.L. 1990 H.B. 1395 & 1448, A.L. 1993 H.B. 177 merged with S.B. 31 merged with S.B. 346, A.L. 1995 H.B. 484, et al., A.L. 2002 S.B. 1107, A.L. 2005 S.B. 210, A.L. 2007 S.B. 22)

#### **Final order establishing district deemed conclusive--quowarranto--collateral attack.**

[321.140](#). If a final order be entered establishing the district, such order shall be deemed final and conclusive, and no appeal or writ of error shall lie therefrom, and the entry of such order shall finally and conclusively establish the regular organization of said district against all persons except the state of Missouri, in an action in the nature of a writ of quo warranto, commenced by the attorney general within thirty days after said decree declaring such district finally organized as herein provided and not otherwise. The organization of such district shall not be directly or collaterally questioned in any suit, action or proceeding except as herein expressly authorized.

(L. 1947 V. I p. 432 § 15)

#### **Filing of copies of findings and decrees incorporating district.**

[321.150](#). Within thirty days after the final order of the circuit court of the county in which the district has been declared a public corporation, the circuit clerk of that court shall transmit to the county clerk and to the recorder of deeds in each county in which the district is located copies of the findings and decrees of the court incorporating the district. The same shall be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations, and each recorder and clerk shall receive a fee of one dollar for filing and preserving the same.

(L. 1947 V. I p. 432 § 16, A.L. 1978 S.B. 628)

#### **Board members to file oaths of office--surety bonds.**

[321.160](#). Whenever a district has been declared duly and finally organized, the members of the board shall thereafter qualify within fifteen days by filing with the circuit clerk their oaths of office, which shall be in the form prescribed by the constitution, and such board members shall also file with the circuit clerk corporate surety bonds to be furnished at the expense of the district in an amount not to exceed one thousand dollars each, the form and amount thereof to be fixed and approved by the circuit court having jurisdiction, and said bonds to be conditioned for the faithful performance of their duties as directors.

(L. 1947 V. I p. 432 § 17)

**Educational training required for board of directors.**

321.162. 1. All members of the board of directors of a fire protection district first elected on or after January 1, 2008, shall attend and complete an educational seminar or conference or other suitable training on the role and duties of a board member of a fire protection district. The training required under this section shall be conducted by an entity approved by the office of the state fire marshal. The office of the state fire marshal shall determine the content of the training to fulfill the requirements of this section. Such training shall include, at a minimum:

- (1) Information relating to the roles and duties of a fire protection district director;
- (2) A review of all state statutes and regulations relevant to fire protection districts;
- (3) State ethics laws;
- (4) State sunshine laws, chapter 610;
- (5) Financial and fiduciary responsibility;
- (6) State laws relating to the setting of tax rates; and
- (7) State laws relating to revenue limitations.

2. If any fire protection district board member fails to attend a training session within twelve months after taking office, the board member shall not be compensated for attendance at meetings thereafter until the board member has completed such training session.

(L. 2007 S.B. 22)

**Board to select officers--seal--records.**

321.170. After taking their oaths and filing their bonds, the board shall choose one of its members as chairman of the board and president of the district, and shall elect a secretary and a treasurer of the board and of the district, who may or may not be members of the board. The secretary and the treasurer may be one person. Such board shall adopt a seal, and the secretary shall keep in a well-bound book a record of all its proceedings, minutes of all meetings, certificates, contracts, bonds given by employees and a record of corporate acts, which shall be open to inspection of all owners of property in the district, as well as to all other interested parties.

(L. 1947 V. I p. 432 § 18)

**Treasurer's duties--file bond--make annual financial statement.**

321.180. The treasurer shall keep strict and accurate accounts of all money received by and disbursed for and on behalf of the district in permanent records. He shall file with the clerk of the court, at the expense of the district, a corporate fidelity bond in an amount to be determined by the board for not less than five thousand dollars, conditioned on the faithful performance of the duties of

his office. He shall file in the office of the county clerk of each county in which all or part of the district lies a detailed financial statement for the preceding fiscal year of the district on behalf of the board, on or before April first of the following year.

(L. 1947 V. I p. 432 § 19, A.L. 1965 p. 509, A.L. 1978 H.B. 1115, S.B. 628, A.L. 2002 S.B. 1107)

**Attendance fees authorized--reimbursement for expenses--secretary and treasurer, additional compensation, how set, limitation.**

321.190. Each member of the board may receive an attendance fee not to exceed one hundred dollars for attending each regularly called board meeting, or special meeting, but shall not be paid for attending more than two in any calendar month, except that in a county of the first class having a charter form of government, he shall not be paid for attending more than four in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one board meeting in a calendar week. In addition, the chairman of the board of directors may receive fifty dollars for attending each regularly or specially called board meeting, but shall not be paid the additional fee for attending more than two meetings in any calendar month. Each member of the board shall be reimbursed for his or her actual expenditures in the performance of his or her duties on behalf of the district. The secretary and the treasurer, if members of the board of directors, may each receive such additional compensation for the performance of their respective duties as secretary and treasurer as the board shall deem reasonable and necessary, not to exceed one thousand dollars per year. The circuit court having jurisdiction over the district shall have power to remove directors or any of them for good cause shown upon a petition, notice and hearing.

(L. 1947 V. I p. 432 § 20, A.L. 1965 p. 509, A.L. 1971 H.B. 316, A.L. 1979 S.B. 224, A.L. 1990 H.B. 1395 & 1448, A.L. 2005 H.B. 58 merged with H.B.127 merged with S.B. 210)

**Board meetings, quorum, vacancy--employment, suspension, discharge of employees--deployment of Missouri Task Force One or Urban Search and Rescue Task Force, emergency board meeting.**

321.200. 1. Except as otherwise provided in subsection 3, the board shall meet regularly, not less than once each month, at a time and at some building in the district to be designated by the board. Notice of the time and place of future regular meetings shall be posted continuously at the firehouse or firehouses of the district. Additional meetings may be held, when the needs of the district so require, at a place regular meetings are held, and notice of the time and place shall be given to each member of the board. Meetings of the board shall be held and conducted in the manner required by the provisions of chapter 610. All minutes of meetings of the board and all other records of the fire protection district shall be available for public inspection at the main firehouse within the district by appointment with the secretary of the board within one week after a written request is made between the hours of 8:00 a.m. and 5:00 p.m. every day except Sunday. A majority of the members of the board shall constitute a quorum at any meeting and no business shall be transacted unless a quorum is present. The board, acting as a board, shall exercise all powers of the board, without delegation thereof to any other governmental or other body or entity or association,

and without delegation thereof to less than a quorum of the board. Agents, employees, engineers, auditors, attorneys, firemen and any other member of the staff of the district may be employed or discharged only by a board which includes at least two directors; but any board of directors may suspend from duty any such person or staff member who willfully and deliberately neglects or refuses to perform his or her regular functions.

2. Any vacancy on the board shall be filled by the remaining elected members of the board, except when less than two elected members remain on the board any vacancy shall be filled by the circuit court of the county in which all or a majority of the district lies. The appointee or appointees shall act until the next biennial election at which a director or directors are elected to serve the remainder of the unexpired term.

3. Notwithstanding any provision of sections [610.015](#) and [610.020](#) to the contrary, when Missouri Task Force One or any Urban Search and Rescue Task Force is activated for deployment by the federal emergency management agency, state emergency management agency, or statewide mutual aid, a quorum of the board of directors of the affiliated fire protection district may meet in person, via telephone, facsimile, internet, or any other voice or electronic means, without public notice, in order to authorize by roll call vote the disbursement of funds necessary for the deployment.

4. In the event action is necessary under subsection 3 of this section, the board of directors of the affiliated fire protection district shall keep minutes of the emergency meeting and disclose during the next regularly scheduled meeting of the board that the emergency meeting was held, the action that precipitated calling the emergency meeting without notice, and that the minutes of the emergency meeting are available as a public record of the board.

(L. 1947 V. I p. 432 § 21, A.L. 1981 S.B. 166, A.L. 1982 S.B. 649, A.L. 1990 H.B. 1395 & 1448, A.L. 2014 H.B. 1300)

#### **Election and terms of directors--filing fee.**

[321.210](#). On the first Tuesday in April after the expiration of at least two full calendar years from the date of the election of the first board of directors, and on the first Tuesday in April every two years thereafter, an election for members of the board of directors shall be held in the district. Nominations shall be filed at the headquarters of the fire protection district in which a majority of the district is located by paying a filing fee up to the amount of a candidate for state representative as set forth under section [115.357](#) and filing a statement under oath that he possesses the required qualifications. The candidate receiving the most votes shall be elected. Any new member of the board shall qualify in the same manner as the members of the first board qualify.

(L. 1947 V. I p. 432 § 22, A.L. 1969 H.B. 322, A.L. 1975 H.B. 332, A.L. 1978 H.B. 971, A.L. 1981 S.B. 166, A.L. 1995 H.B. 452, et al., A.L. 2013 H.B. 307 merged with H.B. 336)

#### **Powers of board--employee benefits plan.**

[321.220](#). For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

(1) To have perpetual existence;

(2) To have and use a corporate seal;

(3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of this chapter;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any infraction thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be punished as is provided by law therefor. The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies. The board shall have the power to adopt an ordinance, rule, or regulation allowing the district to charge individuals who reside outside of the district, but who receive emergency services within the boundaries of the district, for the actual and reasonable cost of such services. However, such actual and reasonable costs shall not exceed one hundred dollars for responding to each fire call or alarm and two hundred fifty dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of this chapter;

(15) To provide for health, accident, disability and pension benefits for the salaried members of its organized fire department of the district and such other benefits for their spouses and eligible unemancipated children, through either or both a contributory or noncontributory plan. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

(16) To contract with any municipality that is contiguous to a fire protection district for the fire protection district to provide fire protection to the municipality for a fee as hereinafter provided;

(17) To provide for life insurance, accident, sickness, health, disability, annuity, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section [70.615](#), for the volunteer members of any organized fire department of the district and such

other benefits for their spouses and eligible unemancipated children, through either a contributory or noncontributory plan, or both. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;

(18) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section [320.300](#), for the purpose of providing the benefits described in subdivision (17) of this section.

(L. 1947 V. I p. 432 § 23, A.L. 1961 p. 550, A.L. 1965 p. 509, A.L. 1969 H.B. 322, A.L. 1977 S.B. 62, A.L. 1978 H.B. 971, S.B. 628, A.L. 1981 S.B. 166, A.L. 1982 H.B. 1096, A.L. 1989 H.B. 487, A.L. 1990 H.B. 1395 & 1448 merged with H.B. 1675, A.L. 1992 S.B. 649, A.L. 1993 H.B. 373, A.L. 1995 H.B. 452, et al., A.L. 1999 S.B. 436, A.L. 2005 H.B. 58)

#### **Municipality purchasing fire protection, annual payments, how computed.**

[321.221](#). The amount to be paid annually by the municipality to the fire district pursuant to subdivision (16) of section [321.220](#) shall be the annual assessed value of all property subject to tax in the municipality determined from the tax assessment ledgers, and including public utilities and intangible property within such area, multiplied by the annual tax rate as certified by the fire protection district to the municipality (but not including any portion of the tax rate for ambulance service provided by the district) per one hundred dollars of assessed value in such area. The tax rate so computed shall include any tax on bonded indebtedness incurred by the district prior to entering into such contract, but shall not include any of the tax rate for bonded indebtedness incurred during the term that the contract is in force.

(L. 1982 H.B. 1096)

#### **Residential construction--definitions--regulatory system of city or county supersedes fire protection district regulations(Jefferson County).**

[321.222](#). 1. As used in this section, the term "residential construction" shall mean new construction and erection of detached single-family or two-family dwellings, the alteration, enlargement, replacement, or repair of detached single-family or two-family dwellings.

2. As used in this section, the term "residential construction regulatory system" means any bylaw, ordinance, order, rule, or regulation pertaining to residential construction, the implementation or enforcement of any permitting system or program relative to residential construction, including the

use or occupancy by the initial occupant thereof, or the implementation or enforcement of any system or program for the inspection of residential construction.

3. Notwithstanding the provisions of any other law to the contrary, in the event a city, town, village, or county adopts or has adopted, implements or has implemented, or enforces a residential construction regulatory system or any portion thereof applicable to residential construction within its jurisdiction, neither fire protection districts nor their boards shall have the power, authority, or privilege to adopt, enforce, or implement a residential construction regulatory system or any portion thereof applicable to or pertaining to residential construction within the jurisdiction of such city, town, village, or county.

4. Any residential construction regulatory system or any portion thereof adopted or previously adopted, implemented or previously implemented, or enforced by a fire protection district or its board as to residential construction within the jurisdiction of a city, town, village, or county shall be null and void as of the date on which such city, town, village, or county adopts, implements, or enforces its own residential construction regulatory system as to residential construction within its jurisdiction whether or not the residential construction regulatory system or any portion thereof adopted, implemented, or enforced by such city, town, village, or county specifically addresses matters addressed in substance or manner by the residential construction regulatory system or any portion thereof adopted, implemented, or enforced by the applicable fire protection district or its board.

5. In no event shall a fire protection district or its board enact, adopt, or implement any bylaws, ordinances, orders, rules, or regulations that pertain, in any manner, to either the subdivision of land for the purpose of residential construction or to the construction, installation, and erection of any improvements, infrastructure, and utility facilities related to or for the purpose of serving residential construction.

6. Any residential construction regulatory system or any portion thereof adopted or previously adopted, implemented or previously implemented, or enforced by the applicable fire protection district or board that is in conflict with this section shall be void.

7. This section shall only apply to any fire protection district located wholly within any county of the first classification with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants.

8. Notwithstanding any provision in this section to the contrary, a fire protection district may enter into a contract with a county, city, town, or village to assist in the implementation of the residential construction regulatory system of such county, city, town, or village as it relates to fire protection issues as long as the county, city, town, or village retains jurisdiction over the implementation and enforcement of such system.

(L. 2005 S.B. 210)

(2006) Section applying only to fire protection districts wholly within counties within a very narrow population range was a special law in violation of article III, section 40(30) without substantial justification for the classification. Jefferson County Fire Protection Districts Association v. Blunt, 205 S.W.3d 866 (Mo.banc).

**Fire protection districts may contract to provide fire protection to municipalities not in the district, certain counties (including St. Louis County)--may also provide ambulance service, when.**

321.223. 1. Notwithstanding any other provision of law to the contrary, any fire protection district within a county of the first classification with a charter form of government with a population of at least nine hundred thousand may contract with any municipality or village that does not operate its\* own fire department to provide fire protection services for a fee to any area of the municipality or village that does not belong to the fire protection district. In such event, the municipality and the fire protection district shall, by ordinance duly enacted by the governing board of each, agree upon the terms by\*\* which such fire protection shall be furnished. The agreement may provide for the payment of a stated sum per year upon any method of compensation for such fire protection that is agreed upon by the fire district and the municipality entering into such contract; provided that any contract for a period longer than five years shall have no binding force until ratified by a majority of the voters in the fire district and the municipality entering into such a contract.

2. If the fire protection district is authorized to provide ambulance service within its district, the fire protection district may also provide ambulance service to the municipality, upon such terms as the fire district and the municipality may agree, which are not inconsistent with any requirement of subsection 1 of this section.

(L. 2000 H.B. 1967)

Effective 6-27-00

\*Word "their" appears in original rolls.

\*\*Word "by" does not appear in original rolls.

**Emergency ambulance and medical services, may provide--election--tax levy--defeat of levy, old levy to remain in effect--emergency, defined.**

321.225. 1. A fire protection district may, in addition to its other powers and duties, provide emergency ambulance service within its district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an emergency ambulance service. The district shall exercise the same powers and duties in operating an emergency ambulance service as it does in operating its fire protection service.

2. The proposition to furnish emergency ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board.

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

Shall the board of directors of ..... Fire Protection District be authorized to provide emergency ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of emergency ambulance service and the levy, the district shall forthwith commence such service.

5. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

6. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the ..... Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

FOR THE PROPOSITION

AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

(L. 1969 H.B. 322, A.L. 1977 H.B. 216, A.L. 1978 H.B. 971, A.L. 1984 H.B. 924, A.L. 1988 S.B. 725, A.L. 1990 H.B. 1395 & 1448, A.L. 1992 S.B. 630)

**Emergency ambulance service outside district--fee for services for alldistricts--emergency defined.**

321.226. 1. Any fire protection district which is authorized to provide emergency ambulance service within its district may provide such emergency ambulance service outside its district. When providing emergency ambulance service for a person who does or does not reside within the district, a fire protection district may assess and collect from such person a usual and customary fee for such service.

2. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

(L. 1979 S.B. 237 § 1, A.L. 1985 H.B. 167, et al.)

**Residential construction regulatory system, preemption of law by local governmental body over fire protection district, when, exceptions.**

321.228. 1. As used in this section, the following terms shall mean:

(1) "Residential construction", new construction and erection of detached single-family or two-family dwellings or the development of land to be used for detached single-family or two-family dwellings;

(2) "Residential construction regulatory system", any bylaw, ordinance, order, rule, or regulation adopted, implemented, or enforced by any city, town, village, or county that pertains to residential construction, to any permitting system, or program relating to residential construction, including but not limited to the use or occupancy by the initial occupant thereof, or to any system or program for the inspection of residential construction. Residential construction regulatory system also includes the whole or any part of a nationally recognized model\* code, with or without amendments specific to such city, town, village, or county.

2. Notwithstanding the provisions of any other law to the contrary, if a city, town, village, or county adopts or has adopted, implements, and enforces a residential construction regulatory system applicable to residential construction within its jurisdiction, any fire protection districts wholly or partly located within such city, town, village, or county shall be without power, authority, or privilege to enforce or implement a residential construction regulatory system purporting to be applicable to any residential construction within such city, town, village, or county. Any such residential construction regulatory system adopted by a fire protection district or its board shall be treated as advisory only and shall not be enforced by such fire protection district or its board.

3. Notwithstanding the provisions of any other law to the contrary, fire protection districts:

(1) Shall have final regulatory authority regarding the location and specifications of fire hydrants, fire hydrant flow rates, and fire lanes, all as it relates to residential construction. Nothing in this subdivision shall be construed to require the political subdivision supplying water to incur any costs to modify its water supply infrastructure; and

(2) May inspect the alteration, enlargement, replacement or repair of a detached single-family or two-family dwelling; and

(3) Shall not collect a fee for the services described in subdivisions (1) and (2) of this subsection.

(L. 2012 H.B. 1647 merged with S.B. 769)

\*Word "mode" appears in original rolls of S.B. 769, 2012.

**Power to levy and collect ad valorem taxes.**

321.230. For the purpose of providing revenue for such districts, the board shall have the power and authority to order the levy and collection of ad valorem taxes on and against all taxable tangible property within the district, and to make timely demand and to sue for and collect any and all other taxes, contributions or allocations to which the district may be entitled.

(L. 1947 V. I p. 432 § 24)

**Tax levy, election, when--form of ballot.**

321.240. To levy and collect taxes as herein provided, the board shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will raise the amount required by the district annually to supply funds for paying the expenses of organization and operation and the costs of acquiring, supplying and maintaining the property, works and equipment of the district, and maintain the necessary personnel, which rate of levy shall not exceed thirty cents on the one hundred dollars valuation; may fix an additional rate, not to exceed ten cents on the hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters:

Shall the board of directors of ..... Fire Protection District be authorized to increase the annual tax rate from .... cents to .... cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?

provided, that if the question fails to receive a majority of the votes cast, it shall not be resubmitted to the voters within one year after the election; except, that any district may impose a tax not to exceed ten cents on the one hundred dollars valuation, in addition to the rate which the board may levy under this section, by submitting the following question to the voters at any election in such district at which a member of the board of directors is to be elected:

Shall the board of directors of ..... Fire Protection District be authorized to increase the annual tax rate from ..... cents to ..... cents on the hundred dollars assessed valuation?

and in addition thereto, to fix a rate of levy which will enable it to promptly pay in full when due all interest on and principal of bonds and other obligations of the district, and to pay any indebtedness authorized by a vote of the people as provided in this chapter; and in the event of accruing defaults or deficiencies in the bonded or contractual indebtedness, an additional levy may be made as provided in section 321.260.

(L. 1947 V. I p. 432 § 25, A.L. 1953 p. 665, A.L. 1965 pp. 513, 514, A.L. 1969 H.B. 322, A.L. 1977 H.B. 216, A.L. 1978 H.B. 971, A.L. 1979 H.B. 322)

**Additional tax levy, when--form of ballot.**

321.241. 1. The board of directors of any fire protection district may levy, if a majority of the voters of the district voting thereon approve, in addition to all other taxes heretofore approved, an additional tax of not more than twenty-five cents per one hundred dollars of assessed valuation to be used for the support of the district. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the ..... Fire Protection District be authorized to levy an additional tax of not more than twenty-five cents on the one hundred dollars assessed valuation to provide funds for the support of the district?

FOR THE PROPOSITION

AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

2. After August 13, 1982, the board of directors of any fire protection district may levy, if a majority of the voters of the district voting thereon approve, in addition to all other taxes heretofore approved, an additional tax of not more than ten cents per one hundred dollars of assessed valuation to be used for the support of the district. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the ..... Fire Protection District be authorized to levy an additional tax of not more than ten cents on the one hundred dollars assessed valuation to provide funds for the support of the district?

FOR THE PROPOSITION

AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a

majority of the voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

3. In addition to all other taxes authorized on or before September 28, 1985, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than twenty-five cents per one hundred dollars of assessed valuation to be used for the support of the district. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the ..... Fire Protection District be authorized to levy an additional tax of not more than twenty-five cents on the one hundred dollars assessed valuation to provide funds for the support of the district?

FOR THE PROPOSITION

AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of the voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

4. The board of directors of any fire protection district may levy, if a majority of the voters of the district voting thereon approve, in addition to all other taxes heretofore approved, an additional tax of not more than fifty cents per one hundred dollars of assessed valuation to be used for the support of the district. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for that purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the ..... Fire Protection District be authorized to levy an additional tax of not more than fifty cents on the one hundred dollars assessed valuation to provide funds for the support of the district?

FOR THE PROPOSITION

AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote.)

If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a

majority of the voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

(L. 1977 H.B. 216, A.L. 1982 S.B. 649, A.L. 1985 H.B. 167, et al., A.L. 1995 H.B. 452, et al.)

**Additional sales tax, certain cities--ballot, form--fire protection sales tax trust fund, deposit of funds--abolition of tax, procedure--dissolution of district, effect.**

321.242. 1. The governing body of any fire protection district which operates within and has boundaries identical to a city with a population of at least thirty thousand but not more than thirty-five thousand inhabitants which is located in a county of the first classification, excluding a county of the first classification having a population in excess of nine hundred thousand, or the governing body of any municipality having a municipal fire department may impose a sales tax in an amount of up to one-fourth of one percent on all retail sales made in such fire protection district or municipality which are subject to taxation pursuant to the provisions of sections 144.010 to 144.525. The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district or municipality submits to the voters of such fire protection district or municipality, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district or municipality to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall ..... (insert name of district or municipality) impose a sales tax of ..... (insert rate of tax) for the purpose of providing revenues for the operation of the ..... (insert fire protection district or municipal fire department)?

YES  NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district or municipality shall not impose the sales tax authorized in this section unless and until the governing body of such fire protection district or municipality resubmits a proposal to authorize the governing body of the fire protection district or municipality to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district or municipality from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district or the municipal fire department.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district or municipality, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section 32.087, shall be deposited in a special trust fund, which is hereby created, to be known as the "Fire Protection Sales Tax Trust Fund". Any moneys in the fire protection district sales tax trust

fund created prior to August 28, 1999, shall be transferred to the fire protection sales tax trust fund. The moneys in the fire protection sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust fund and of the amounts which were collected in each fire protection district or municipality imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district or municipality and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district or municipality which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district or municipality, and all expenditures of funds arising from the fire protection sales tax trust fund shall be for the operation of the fire protection district or the municipal fire department and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district or municipality for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts or municipalities. If any fire protection district or municipality abolishes the tax, the fire protection district or municipality shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district or municipality, the director of revenue shall remit the balance in the account to the fire protection district or municipality and close the account of that fire protection district or municipality. The director of revenue shall notify each fire protection district or municipality of each instance of any amount refunded or any check redeemed from receipts due the fire protection district or municipality. In the event a tax within a fire protection district is approved pursuant to this section, and such fire protection district is dissolved, if the boundaries of the fire protection district are identical to that of the city, the tax shall continue and proceeds shall be distributed to the governing body of the city formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such city.

6. Except as modified in this section, all provisions of sections [32.085](#) and [32.087](#) shall apply to the tax imposed pursuant to this section.

(L. 1995 H.B. 452, et al. § 1, A.L. 1999 S.B. 436)

**Tax authorized for dispatching center and equipment and services in ascertain county-- requirements--funds, payment from--board of directors, members, qualifications--St. Charles County, specialboard, powers--Jefferson County, tax authorized.**

[321.243](#). 1. Notwithstanding any other provision of law to the contrary, an additional tax of not to exceed three cents per one hundred dollars of assessed valuation may be levied and collected by any city, town, village, county, or fire protection district, or a central fire and emergency services board established in subsection 4 of this section. All the funds derived from such tax, including any

existing surplus funds, shall be used for the purpose of establishing and providing a joint central fire and emergency dispatching service and for expenditures for equipment and services, except for salaries, wages, and benefits, by cities, towns, villages, counties, or fire protection districts which contract with such joint central fire and emergency dispatching service.

2. The additional tax prescribed by this section shall be levied only when the governing body of the city, town, village, county, fire protection district, or central fire and emergency services board determines that a central fire and emergency dispatching center will meet the minimum requirements set by section [321.245](#), and, except where a central fire and emergency services board is established in accordance with subsection 4 of this section, when the governing body has entered into a contract with the center for fire and emergency dispatching services. The funds from the tax shall be kept separate and apart from all other funds of the city, town, village, county, fire protection district, or central fire and emergency services board and shall be paid out only on order of the governing body. Except as provided in subsection 4 of this section, all funds received by such center, and all operations of such center shall be governed and controlled by a board of directors consisting of one member from each such agency using the joint central fire and emergency dispatching service. Except as otherwise provided in subsection 4 of this section, in any county, city, town, or village, where a tax-supported fire protection district is provided emergency dispatching services by any form of joint communication organization or emergency dispatching center, receiving directly or indirectly any funds so levied and collected as provided in this section including any funds or tariffs paid by telephone subscribers for 911 emergency service, such joint communication organization, however organized, shall be governed by a board of directors, and the board of directors shall consist in part of one member appointed by each county, city, town, village or tax-supported fire protection district so served. The members shall be an elected official of a fire protection district, ambulance district or city council appointed by each such agency to serve for a one-year term or until a successor is duly appointed.

3. In addition to the tax prescribed by subsections 1 and 2 of this section, an additional tax of not to exceed two cents per one hundred dollars of assessed valuation which has been approved by the voters may be levied and collected by any city, town, village, county, or fire protection district, or a central fire and emergency services board established in subsection 4 of this section of a county of the first classification with a charter form of government which has a population between two hundred thousand and five hundred thousand inhabitants, but all of the funds derived from such tax shall be used solely for the purpose of establishing and providing a joint central fire and emergency dispatching service.

4. A central fire and emergency services board shall be established in any county of the first classification with a charter form of government which has a population between two hundred thousand and five hundred thousand inhabitants in the manner prescribed in this subsection. The board shall have all powers and duties prescribed in this section and section [321.245](#) to establish and provide a joint central fire and emergency dispatching service. The initial board shall be established at the April, 1996, election. The election authority shall be ordered to conduct such election, which shall be conducted as a nonpartisan election. The board shall consist of one member elected from each county council district. All board members shall serve for four-year terms, except

that of the initial members elected, the members elected from odd-numbered county council districts shall serve for terms of two years and the members elected from even-numbered county council districts shall serve for terms of four years. Each member shall be a resident of the county council district from which the member is elected. No person who is a paid employee of any fire protection district, ambulance district, joint central fire and emergency dispatch board, or a paid employee of a fire or ambulance department of a municipality shall be elected to the joint central fire and emergency dispatch board. At such election, the election authority of the county shall submit to the qualified voters of the county a proposal for the board to levy and collect the taxes prescribed in this section, and such tax shall be conditioned on the replacement of the tax levied in such county by the county under this section with the new tax levied by the board. A portion of the funds derived from the tax levied pursuant to this subsection shall be used to reimburse the county for the cost of the election held in April, 1996, and any subsequent elections that are necessary for the operation of the board and the board's duties. In addition, if such a tax is approved, any funds remaining in the separate fund kept by the county, as required by subsection 2 of this section, and any property and equipment purchased with moneys in such separate fund held by the county shall be transferred to the fund maintained by the board for the same purpose. The board shall abide by section [50.660](#) in the letting of contracts. The board shall be audited by the state auditor pursuant to section [29.230](#). Except as otherwise provided in this subsection, the board shall meet as established in the bylaws. Any other meeting may be called by four of the seven members voting in favor of having an additional meeting.

5. Any fire protection district in any county with a charter form of government and with more than one hundred ninety-eight thousand but fewer than one hundred ninety-nine thousand two hundred inhabitants that has levied any tax under this section and has levied and imposed any communications tax for central fire and emergency dispatching services may submit a proposal to the voters of the fire protection district to use the revenue derived from the tax imposed under this section for general revenue purposes. No revenues derived from any such tax imposed under this section shall be used for any purpose other than the stated purpose unless and until such proposal to use the revenue for general revenue purposes has been submitted to and approved by the voters of the fire protection district in the same manner as other proposals are submitted to and approved by the voters of the fire protection district.

(L. 1969 S.B. 382 § 1, A.L. 1977 H.B. 216, A.L. 1981 S.B. 166, A.L. 1988 S.B. 725, A.L. 1993 H.B. 550 merged with H.B. 910 merged with S.B. 346, A.L. 1994 H.B. 1668, A.L. 1995 H.B. 452, et al. and H.B. 484, et al., A.L. 2006 S.B. 893, A.L. 2010 H.B. 2070)

**Reduced tax levy may be increased to maximum limits, by elections, ballot form.**

[321.244](#). 1. Any fire protection district which has revised or reduced any levy which it has been authorized to impose under the provisions of section [321.225](#), [321.240](#), [321.241](#), [321.243](#), [321.246](#), [321.610](#), or [321.620](#), under any provision of the constitution or laws of this state, may increase each such revised or reduced levy up to, but not in excess of, the maximum limits allowed under the section authorizing the rate of levy sought to be increased by submitting the following proposition to the voters of the district at any primary, general or special election:

Shall the board of directors of the ..... Fire Protection District be authorized to increase the rate of levy for ..... (insert purpose of which tax is levied) from ..... cents to ..... cents on each one hundred dollars of assessed valuation?

YES  NO

2. If any of the propositions submitted under subsection 1 of this section is approved by a majority of the voters of the district voting thereon, the board of directors may increase the levy which was the subject of such proposition to the amount authorized by such proposition.

(L. 1986 H.B. 877, A.L. 1997 S.B. 21)

Effective 7-7-97

### **Personnel and equipment required for dispatching center.**

321.245. 1. No central fire and emergency dispatching center shall qualify to receive any funds collected pursuant to section 321.243 and this section unless it meets or will meet, upon the acquisition or retention of equipment, real and personal property, and personnel, at least the following minimum equipment and personnel requirements:

(1) Two separate transmitters and receivers capable of operating on all working fire and emergency radio frequencies included in the area to be covered, together with monitor receivers for police frequencies, point-to-point police or local police dispatchers operating on a twenty-four-hour basis, plus an emergency power source capable of operating all equipment and lights necessary for dispatching for an indefinite period of time;

(2) Duo-multichannel recording equipment for all radio frequencies and telephone trunk "hot lines", complete with automatic transfer on failure of logging recorder and automatic time inserted on recorder and with instant playback on any channel at dispatcher's position without interruption of regular log recorder;

(3) A minimum of three trunk telephone lines designated as "hot lines" in reserve for "fire or emergency" calls only, plus such other lines as may be necessary to conduct the normal business of the center, which may also be used for fire or emergency purposes;

(4) A chief dispatcher to be in charge of operations, who shall be directly responsible to the management of the dispatching service;

(5) Sufficient senior dispatchers to provide twenty-four-hour attendance at the center;

(6) Such assistant dispatchers as may be necessary to provide two-person switchboard operation during certain hours as prescribed in section 321.243 and this section;

(7) Alarm circuits to engine houses from dispatching center shall be two of the following type systems: wired circuit or by telephone line; radio circuit or by tone signaling; or microwave radio circuit; or such other communications systems as may be developed in the future which provide reliable and accurate communications and which are not experimental in nature, so that upon failure

of either circuit the other will operate independently, and both circuits must be capable of sounding alarm at any agency facility using the joint, central fire and emergency dispatching service;

(8) Radio alarm equipment at each agency facility using the joint, central fire and emergency dispatching service capable of operating without local utility power for a period of at least eight hours; and paging equipment for fire and emergency personnel; and

(9) Radio equipment, both mobile and portable, on all fire and emergency vehicles which answer alarms which will provide two-way voice communication between the equipment and the dispatching center.

2. A minimum of two dispatchers shall be on duty at all times in any central dispatching center between the hours of 7:00 a.m. and 11:00 p.m. If only one dispatcher is on duty at other times, a twenty-minute watchman's check shall be maintained.

3. All dispatchers shall be at least eighteen years of age. Each dispatcher must be capable of operating all equipment used in the dispatching center.

4. Each dispatching center shall employ sufficient personnel to ensure that no person will be required to be on duty without at least twelve hours between shifts.

5. A central fire and emergency dispatching center meeting the requirements of this section shall qualify to receive any funds collected pursuant to section [321.243](#) and this section and to use such funds for the acquisition, use and maintenance of any property, both real and personal, and for such other uses or purposes as may be determined by the body governing the operations of the central fire and emergency dispatching center, and which are\* necessary or advisable for the establishment, maintenance or operation of the central fire and emergency dispatch center.

(L. 1969 S.B. 382 § 2, A.L. 1976 S.B. 489, A.L. 1979 H.B. 322, A.L. 1981 S.B. 166, A.L. 1987 H.B. 57, A.L. 1993 H.B. 550 merged with H.B. 910 merged with S.B. 346)

\*Word "is" appears in original rolls.

**Fire protection districts, sales tax authorized for districts withincertain counties and cities--ballot contents--trust fund--collectionby director of revenue--refunds.**

[321.246](#). 1. The governing body of any fire protection district which operates within both a county of the first classification with a charter form of government and with a population greater than six hundred thousand but less than nine hundred thousand and a county of the fourth classification with a population greater than thirty thousand but less than thirty-five thousand and that adjoins a county of the first classification with a charter form of government, or the governing body of any fire protection district which contains a city of the fourth classification having a population greater than two thousand four hundred when the city is located in a county of the first classification without a charter form of government having a population greater than one hundred fifty thousand and the county contains a portion of a city with a population greater than three hundred fifty thousand may impose a sales tax in an amount of up to one-half of one percent on all retail sales made in such fire protection district which are subject to taxation pursuant to the provisions of sections [144.010](#) to [144.525](#). The tax authorized by this section shall be in addition to any and all

other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the fire protection district submits to the voters of the fire protection district, at a county or state general, primary or special election, a proposal to authorize the governing body of the fire protection district to impose a tax.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall the fire protection district of ..... (district's name) impose a district-wide sales tax of ..... for the purpose of providing revenues for the operation of the fire protection district?

YES  NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of the fire protection district resubmits a proposal to authorize the governing body of the fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

3. All revenue received by a fire protection district from the tax authorized pursuant to the provisions of this section shall be deposited in a special trust fund and shall be used solely for the operation of the fire protection district.

4. All sales taxes collected by the director of revenue pursuant to this section on behalf of any fire protection district, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section [32.087](#), shall be deposited in the fire protection district sales tax trust fund established pursuant to section [321.242](#). The moneys in the fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and which was collected in each fire protection district imposing a sales tax pursuant to this section, and the records shall be open to the inspection of officers of the fire protection district and the public. Not later than the tenth day of each month, the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the fire protection district which levied the tax. Such funds shall be deposited with the treasurer of each such fire protection district, and all expenditures of funds arising from the fire protection district sales tax trust fund shall be for the operation of the fire protection district and for no other purpose.

5. The director of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any fire protection district for erroneous payments and overpayments made and may redeem dishonored checks and drafts deposited to the credit of such fire protection districts. If any fire protection district abolishes the tax, the fire protection district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax

and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such fire protection district, the director of revenue shall remit the balance in the account to the fire protection district and close the account of that fire protection district. The director of revenue shall notify each fire protection district of each instance of any amount refunded or any check redeemed from receipts due the fire protection district. In the event a tax within a fire protection district is approved under this section, and such fire protection district is dissolved, the tax shall lapse on the date that the fire protection district is dissolved and the proceeds from the last collection of such tax shall be distributed to the governing bodies of the counties formerly containing the fire protection district and the proceeds of the tax shall be used for fire protection services within such counties.

6. Except as modified in this section, all provisions of sections [32.085](#) and [32.087](#) shall apply to the tax imposed pursuant to this section.

(L. 1997 S.B. 21)

Effective 7-7-97

#### **Board to certify rate of levy to county commission.**

[321.250](#). On or before the applicable date required under section [67.110](#) of each year, the board shall certify to the county commission of each county within which the district is located a rate of levy so fixed by the board as provided by law, with directions that at the time and in the manner required by law for levy of taxes for county purposes such county commissions shall levy a tax at the rate so fixed and determined upon the assessed valuation of all the taxable tangible property within the district, in addition to such other taxes as may be levied by such county commissions.

(L. 1947 V. I p. 432 § 26, A.L. 1978 S.B. 628, A.L. 1982 S.B. 649 & H.B. 1096, A.L. 2010 H.B. 1392)

#### **Matters considered when certifying annual levies--additional levies.**

[321.260](#). The board in certifying annual levies as herein provided shall take into account, in addition to the amounts necessary for general purposes as herein provided, the maturing indebtedness for the ensuing year as provided in its bonds and the interest on bonds, and deficiencies and defaults of prior years and any contractual obligation and shall make ample provision for the payment thereof. In case the moneys produced from such levies, together with other revenues of the district are not sufficient to pay punctually the annual installments on its bonds and the interest thereon, and to pay any defaults and deficiencies on any such bonds or contracts duly approved by the voters of the district, then the board shall provide for such additional levying of taxes as may be necessary to pay for all such, and notwithstanding any limitations, such taxes shall be continued to be levied until the indebtedness of the district shall be fully and currently paid.

(L. 1947 V. I p. 432 § 27)

#### **Duty to levy and collect taxes--delinquent taxes constitute a lien.**

[321.270](#). 1. The body having authority to levy taxes within each county in which all or part of a district lies shall levy the taxes provided in this chapter, and all officials charged with the duty of collecting taxes in each such county shall collect such taxes at the time and in the manner and with like interest and penalties as other taxes are collected. When collected such taxes shall be paid to the district ordering the levy and collection, or entitled to the same, and the payment of such collections shall be made monthly to the treasurer of the district and paid into the depository thereof to the credit of the district. All funds received by the district shall be deposited in a depository and secured in the manner provided by law for the deposit of county funds.

2. All taxes levied under the provisions of this chapter, together with interest thereon and penalties for default in payment thereof, and all costs of collecting the same, shall, until paid, constitute a lien on and against the property taxed, and such lien shall be on a parity with the tax lien of general taxes, and no sale of such property to enforce any general tax or other lien shall extinguish the lien of district taxes.

(L. 1947 V. I p. 432 § 28, A.L. 1955 p. 756, A.L. 1969 H.B. 322, A.L. 1978 S.B. 628)

#### **Property may be sold for nonpayment of taxes.**

[321.280](#). If the taxes levied are not paid as herein provided, then the delinquent real property shall be sold at the regular tax sale for the payment of said taxes, interest and penalties, in the manner provided by the statutes of the state of Missouri for selling property for the nonpayment of general taxes. If there are no bids at said tax sale for the property so offered, said property shall be struck off to the county or other agency provided by law, and the county or agency shall account to the district in the same manner as provided by law for accounting for school, town and city taxes. Delinquent personal property shall be distrained and sold as provided by general law.

(L. 1947 V. I p. 432 § 29)

#### **Reserve fund, taxes for.**

[321.290](#). Whenever any bonded or contractual indebtedness has been incurred by a district, it shall be lawful for the board to levy taxes and collect revenue for the purpose of creating a reserve fund in such amount as the board may determine, to be used to meet the obligations of the district.

(L. 1947 V. I p. 432 § 30)

#### **Boundaries of districts may be changed, procedure, certain counties--additional training not required, when.**

[321.300](#). 1. The boundaries of any district organized pursuant to the provisions of this chapter may be changed in the manner prescribed in this section; but any change of boundaries of the district shall not impair or affect its organization or its rights in or to property, or any of its rights or privileges whatsoever; nor shall it affect or impair or discharge any contract, obligation, lien or charge for or upon which it might be liable or chargeable had any change of boundaries not been made.

2. The boundaries may be changed as follows:

(1) Twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed may file with the board a petition in writing praying that such real property be included within the district; provided that in the case of a municipality having less than twenty percent of its total population in one fire protection district, the entire remaining portion may be included in another district so that none of the city is outside of a fire protection district at the time. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section [321.495](#) dealing with referendums and verified in like manner; provided, however, that in the event that there are more than twenty-five property owners or taxpaying electors signing the petition, it shall be deemed sufficient description of their property in the petition as required in this section to list the addresses of such property; or

(2) All of the owners of any territory or tract of land near or adjacent to a fire protection district who own all of the real estate in such territory or tract of land may file a petition with the board praying that such real property be included in the district. The petition shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition;

(3) Notwithstanding any provision of law to the contrary, in any fire protection district which is partly or wholly located in a noncharter county of the first classification with a population of less than one hundred thousand which adjoins any county of the first classification with a charter form of government with a population of nine hundred thousand or more inhabitants, if such fire protection district serves any portion of a city which is located in both such counties, the boundaries of the district may be expanded so as to include the entire city within the fire protection district, but the boundaries of the district shall not be expanded beyond the city limits of such city, as the boundaries of such city existed on January 1, 1993. Such change in the boundaries of the district shall be accomplished only if twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed file with the board a petition in writing praying that such real property be included within the district. The petition shall describe the property to be included in the district and shall describe the property owned by the petitioners and shall be deemed to give assent of the petitioners to the inclusion in the district of the property described in the petition; and such petition shall be in substantially the form set forth in section [321.495](#) dealing with referendums and verified in like manner.

3. The secretary of the board shall cause notice of the filing of any petition filed pursuant to this section to be given and published in the county in which the property is located, which notice shall recite the filing of such petition, the number of petitioners, a general description of the boundaries of the area proposed to be included and the prayer of the petitioners; giving notice to all persons interested to appear at the office of the board at the time named in the notice and show cause in writing, if any they have, why the petition should not be granted. The board shall at the time and place mentioned, or at such time or times to which the hearing may be adjourned, proceed to hear the petition and all objections thereto presented in writing by any person showing cause why the

petition should not be granted. The failure of any person interested to show cause in writing why such petition shall not be granted shall be deemed as an assent on his part to the inclusion of such lands in the district as prayed for in the petition.

4. If the board deems it for the best interest of the district, it shall grant the petition, but if the board determines that some portion of the property mentioned in the petition cannot as a practical matter be served by the district, or if it deems it for the best interest of the district that some portion of the property in the petition not be included in the district, then the board shall grant the petition in part only. If the petition is granted, the board shall make an order to that effect and file the same with the circuit clerk; and upon the order of the court having jurisdiction over the district, the property shall be included in the district. If the petition contains the signatures of all the owners of the property pursuant to the provisions of subdivision (2) of subsection 2 of this section, the property shall be included in the district upon the order of the court. If the petition contains the signatures of twenty-five percent of the number of voters who voted in the most recent gubernatorial election in the area to be annexed pursuant to subdivision (1) or subdivision (3) of subsection 2 of this section, the property shall be included in the district subject to the election provided in section [321.301](#). The circuit court having jurisdiction over the district shall proceed to make any such order including such additional property within the district as is provided in the order of the board, unless the court shall find that such order of the board was not authorized by law or that such order of the board was not supported by competent and substantial evidence.

5. Any person aggrieved by any decision of the board made pursuant to the provisions of this section may appeal that decision to the circuit court of the county in which the property is located within thirty days of the decision by the board.

6. No fire protection district, or employee thereof, in which territory is annexed pursuant to this section shall be required to comply with any prescribed firefighter training program or regimen which would not otherwise apply to the district or its employees, but for the requirements applicable to the annexed territory.

(L. 1947 V. I p. 432 § 31, A.L. 1953 p. 664, A.L. 1969 H.B. 322, A.L. 1982 H.B. 1096, A.L. 1990 S.B. 862, A.L. 1993 S.B. 256, A.L. 1997 S.B. 21)

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(2000) Section does not expressly or impliedly repeal common law doctrine of prior jurisdiction. Tipton Rural Fire Protection District v. Objectors, 34 S.W.3d 404 (Mo.App.W.D.).

**Extension of boundaries if petition does not include all required signatures, effect--election, ballot form.**

[321.301](#). 1. If the petition to add any territory or tract of land to the district contained fewer than all of the signatures required pursuant to subdivision (2) of subsection 2 of section [321.300](#), the decree of extension of boundaries shall not become final and conclusive until it has been submitted to an election of the voters residing within the boundaries described in such decree and until it has been assented to by a majority vote of the voters in the newly included area voting on the question.

The decree shall also provide for the holding of the election to vote on the proposition of extending the boundaries of the district, and shall fix the date for holding the election.

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

Shall the boundaries of the . . . . . Fire Protection District be extended to include the following described property? (Describe property.)

YES  NO

3. If a majority of the voters voting on the proposition vote in favor of the extension of the boundaries of the district, then the court shall enter its further order declaring the decree of extension of the boundaries to be final and conclusive. In the event, however, that the court finds that a majority of the voters voting thereon voted against the proposition to extend the boundaries of the district, then the court shall enter its further order declaring the decree of extension of boundaries to be void and of no effect.

(L. 1982 H.B. 1096, A.L. 1989 H.B. 731, A.L. 1990 S.B. 862)

**Recording of boundary extension, duties--fees.**

321.302. Within thirty days after the final order of the circuit court extending the boundaries of the district, the circuit clerk of that court shall transmit to the county clerk and to the recorder of deeds in each county in which the district is located copies of the findings and decrees of the court extending the boundaries of the district. The same shall be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations, and each recorder and clerk shall receive a fee of one dollar for filing and preserving the same.

(L. 1982 H.B. 1096)

**Exclusion of property from district on petition of property owners.**

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

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

(L. 1947 V. I p. 432 § 32, A.L. 1975 H.B. 332, A.L. 1978 S.B. 628, A.L. 1990 S.B. 862)

**Property in city of 40,000 inhabitants not wholly within district, to be excluded.**

321.320. 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.

(L. 1949 p. 540 § 32a, A.L. 1957 p. 723, A.L. 1961 p. 553, A.L. 1969 H.B. 322)

**Cities with population of 2,500 to 65,000 with fire department, annexing property in a fire protection district--rights and duties, procedure--exception.**

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 protection in the annexed area on or before January first of the third calendar year following the actual inclusion of the property within the city, as determined by the annexation process, and furthermore the fire protection district shall not levy and collect any tax upon that property included within the corporate limits of the city after the date of inclusion of that property:

(1) On or before January first of the second calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(2) On or before January first of the third calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to four-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(3) On or before January first of the fourth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to three-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district;

(4) On or before January first of the fifth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to two-fifths of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district; and

(5) On or before January first of the sixth calendar year occurring after the date on which the property was included within the city, the city shall pay to the fire protection district a fee equal to one-fifth of the amount of revenue which would have been generated during the previous calendar year by the fire protection district tax on the property in the area annexed which was formerly a part of the fire protection district.

Nothing contained in this section shall prohibit the ability of a city to negotiate contracts with a fire protection district for mutually agreeable services. This section shall also apply to those fire protection districts and cities which have not reached agreement on overlapping boundaries previous to August 28, 1990. Such fire protection districts and cities shall be treated as though inclusion of the annexed area took place on December thirty-first immediately following August 28, 1990.

2. Any property excluded from a fire protection district by reason of subsection 1 of this section shall be subject to the provisions of section [321.330](#).

3. The provisions of this section shall not apply in any county of the first class having a charter form of government and having a population of over nine hundred thousand inhabitants.

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

(L. 1985 H.B. 167, et al. § 2, A.L. 1986 H.B. 861, A.L. 1988 S.B. 725, A.L. 1990 H.B. 1395 & 1448, A.L. 1991 S.B. 34, A.L. 1999 S.B. 160 & 82, A.L. 2005 H.B. 58 merged with S.B. 210, A.L. 2013 H.B. 307 merged with H.B. 336, A.L. 2014 S.B. 672)

#### **Property not to be subject to taxes, when.**

[321.330](#). All real property included within, or excluded from, a district shall thereafter be subject to the levy of taxes for the payment of any indebtedness of the district outstanding at the time of inclusion or exclusion; provided, however, that after any real property shall have been excluded from a district, as herein provided, any buildings and improvements thereafter erected or constructed on said excluded real property, and all machinery and equipment thereafter installed or placed therein or thereon, and all tangible personal property not in said district at the time of the exclusion of said real property from said district which shall thereafter be situate on or used in connection with said real property, shall not be subject to any taxes levied by said district.

(L. 1947 V. I p. 432 § 33)

#### **Bonds of district.**

[321.340](#). To carry out the purposes of this chapter, the board is hereby authorized to issue negotiable coupon bonds of the district as herein provided. Bonds shall bear interest at a rate not exceeding six percent per annum, payable semiannually, and shall be due and payable serially, either annually or semiannually, commencing not later than three years and extending not more than twenty years from their date. The form and terms of said bonds, including provisions for their payment and redemption, shall be determined by the board. If the board so determines, such bonds may be redeemable prior to maturity upon payment of a premium, not exceeding three percent of the principal thereof. Said bonds shall be executed in the name of and on behalf of the district and signed by the chairman of the board, with the seal of the district affixed thereto and attested by the secretary of the board. Said bonds shall be in such denominations as the board shall determine and the bonds and coupons thereto attached shall be payable to bearer. Interest coupons shall bear the original or facsimile signature of the chairman of the board.

(L. 1947 V. I p. 432 § 34)

#### **Election to vote on issuing bonds or creating indebtedness.**

[321.350](#). Whenever any board shall, by resolution, determine that the interest of said district and the public interest or necessity demand the acquisition, construction, installation or completion

of any works or other improvements or facilities, or the making of any contract with the United States or other persons or corporations, to carry out the objects or purposes of said district, requiring the creation of an indebtedness in an amount exceeding in any year the income and revenue provided for such year plus any unencumbered balances from previous years, said board shall order the submission of the proposition of issuing such obligations or bonds, or creating other indebtedness, to the voters of the election. The declaration of public interest or necessity herein required and the provision for holding of such election may be included within one and the same resolution, which resolution, in addition to such declaration of public interest or necessity, shall recite the objects and purposes for which the indebtedness is proposed to be incurred, the estimated cost of the works or improvements, as the case may be, the amount of principal of the indebtedness to be incurred therefor, and the maximum rate of interest to be paid on such indebtedness. Such resolution shall also fix the date upon which such election shall be held.

(L. 1947 V. I p. 432 § 35, A.L. 1969 H.B. 322, A.L. 1978 H.B. 971)

**Form of ballot.**

321.360. 1. The question shall be submitted in substantially the following form:

Shall ..... (Insert name of district.) ..... Fire Protection District ..... (Here state the proposition to be submitted.) ..... ?

2. The proposition so submitted, if relating to bonds, shall set out the amount of the issue and the purpose.

(L. 1947 V. I p. 432 § 36, A.L. 1969 H.B. 322, A.L. 1978 H.B. 971, S.B. 628)

**Results of election to be announced.**

321.370. At any regular or special meeting of the board held within five days following the date of such election, the board shall declare the results.

(L. 1947 V. I p. 432 § 37, A.L. 1969 H.B. 322, A.L. 1978 H.B. 971)

**Percentage necessary to create indebtedness--subsequent submission.**

321.380. In the event that it shall appear from the returns that the constitutionally required percentage of the voters of the district who shall have voted on any such proposition submitted hereunder at such election voted in favor of such proposition, the district shall thereupon be authorized to incur such indebtedness or obligations, enter into such contract or issue and sell such bonds of the district, as the case may be, all for the purpose or purposes and object or objects provided for in the proposition or propositions submitted hereunder and in the resolution therefor, and in the amount so provided and at a rate of interest not exceeding the rate of interest recited in such resolution. Submission of the proposition of incurring such obligation or bonded or other indebtedness at such an election shall not prevent or prohibit submission of the same or other propositions at a subsequent election.

(L. 1947 V. I p. 432 § 38, A.L. 1978 H.B. 971, A.L. 1990 H.B. 1621)

**Petition for dissolution of district--submission of question.**

321.390. Whenever a petition signed by not less than one hundred voters in any district organized under the provisions of this chapter is filed with the circuit court having jurisdiction over the district, setting forth all the relevant facts pertaining to the district, and alleging that the further operation of the district is inimicable to the best interests of the inhabitants of the district, and that the district should, in the interest of the public welfare and safety, be dissolved, the circuit court shall have authority, after hearing evidence submitted on the aforesaid question, to order a submission of the question, after having caused publication of notice of a hearing on said petition, in substantially the following form:

Shall ..... (Insert the name of the fire district.) ..... Fire Protection District be dissolved?

(L. 1947 V. I p. 432 § 39, A.L. 1969 H.B. 322, A.L. 1978 H.B. 971, S.B. 628)

**Circuit court may call for an election to determine dissolution of district.**

321.400. If the court shall find that it is to the best interest of the inhabitants of said district that such district be dissolved, it shall make an order reciting the same and providing for the submission of the proposition to dissolve such district to a vote of the voters of the district, setting forth such further details in its order as may be necessary to an orderly conduct of such election. Such election shall be held at the municipal election. Returns of said election shall be certified to the court. If the court finds that two-thirds of the voters voting thereon shall have voted in favor of the proposition to dissolve said district, the court shall make a final order dissolving said district, and the decree shall contain a proviso that said district shall continue in full force for the purpose of paying all outstanding and lawful obligations and disposing of property of the district; but no additional costs or obligations shall be created except such as are necessary to pay such costs, obligations and liabilities theretofore incurred, or necessary to the winding up of the district. If the court shall find that two-thirds of the voters of the district voting thereon shall not have voted favorably on the proposition to dissolve such district, then the court shall make a final order declaring such result dismissing the petition praying for the dissolution of said district; and the said district shall continue to operate in the same manner as though said petition asking for such dissolution has not been filed.

(L. 1947 V. I p. 432 § 40, A.L. 1978 H.B. 971)

**Effect of dissolution--appointment of trustee.**

321.410. The dissolution of a fire protection district shall not invalidate or affect any right accruing to such fire district, or to any person, or invalidate or affect any contract or indebtedness entered into or imposed upon such fire protection district or person; and whenever the circuit court shall, under the provisions of section 321.400, dissolve a fire protection district, the said court shall appoint some competent person to act as trustee for the fire protection district so dissolved and such trustee before entering upon the discharge of his duties shall take and subscribe an oath that he will faithfully discharge the duties of his office, and shall give bond with sufficient security, to be

approved by the court to the use of such dissolved fire protection district, for the faithful discharge of his duties, and shall proceed to liquidate the district under orders of the court, including the levying of any taxes provided for in this chapter.

(L. 1947 V. I p. 432 § 41, A.L. 1969 H.B. 322)

**Prior obligations remain valid.**

[321.430](#). Any and all taxable tangible property located within any such district already organized on September 10, 1947, shall continue to be subject to the levy of taxes for general purposes and for the payment of any indebtedness previously created, all as provided herein. The repeal of any acts herein shall not be held to affect or invalidate any claims, demands, acts, debts, contracts, obligations or indebtedness of any district created under the provisions of any such act.

(L. 1947 V. I p. 432 § 43, A.L. 1969 H.B. 322)

**When notice not given as required, procedure of court.**

[321.440](#). In any and every case where a notice is provided for in this chapter, if the court finds for any reason that due notice was not given, the court shall not thereby lose jurisdiction, and the proceeding in question shall not thereby be void or be abated, but the court shall in that case order due notice to be given, and shall continue the hearing until such time as notice shall be properly given, and thereupon shall proceed as though notice had been properly given in the first instance.

(L. 1947 V. I p. 432 § 44, A.L. 1969 H.B. 322)

**Cases arising under this chapter to be advanced on docket--courts always open.**

[321.450](#). All cases in which there may arise a question of the validity of the organization of a district, or a question of the validity of any proceeding under the provisions of this chapter, shall be advanced on the docket as a matter of immediate public interest and concern, and heard at the earliest practicable moment. The courts shall be open at all times for the purposes of this chapter.

(L. 1947 V. I p. 432 § 45, A.L. 1969 H.B. 322)

**Consolidation of districts, procedure--may also provide ambulanceservice--election, ballot form.**

[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, or are located within the same county, 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.

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

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

6. The order shall direct publication of notice of election, and shall fix the date thereof. The order shall direct that the elections shall be held to vote on the proposition of consolidating the districts and to elect three persons, having the qualifications declared in section [321.130](#) and being among the then directors of the districts proposed to be consolidated, to become directors of the consolidated district.

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

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

8. If, upon the canvass and declaration, it is found and determined that a majority of the voters of the districts voting on the proposition or propositions have voted in favor of the proposition to incorporate the consolidated district, then the court shall then further, in its order, designate the first board of directors of the consolidated district, who have been elected by the voters voting thereon, the one receiving the third highest number of votes to hold office until the first Tuesday in April which is more than one year after the date of election, the one receiving the second highest number of votes to hold office until two years after the first Tuesday aforesaid, and the one receiving the highest number of votes until four years after the first Tuesday in April as aforesaid. If any other propositions are also submitted at the election, the court, in its order, shall also declare the results of the votes thereon. If the court shall find and determine, upon the canvass and declaration, that a majority of the voters of the consolidated district have not voted in favor of the proposition to incorporate the consolidated district, then the court shall enter its order declaring the proceedings void and of no effect, and shall dismiss the same at the cost of petitioners.

(L. 1961 p. 553 § 1, A.L. 1969 H.B. 322, A.L. 1978 H.B. 971, A.L. 1985 H.B. 167, et al., A.L. 2012 H.B. 1647)

### **Consolidated district, status--transfer of assets and liabilities.**

[321.465](#). If the vote prescribed by section [321.460](#) is in favor of the consolidation, then, upon the order of the court declaring the same, the consolidated district thereupon shall be a political subdivision of the state of Missouri and a body corporate, with all the powers of like or similar corporations, and with all the powers of fire protection districts under section [321.220](#), whose affairs shall be conducted as provided in this chapter, with all the powers, privileges and duties therein conferred and provided upon fire protection districts in the county. All properties, rights, assets, and liabilities of the several fire protection districts which are so consolidated, including outstanding bonds thereof if any, shall become forthwith and without any further procedure the properties, rights, assets, and liabilities of the consolidated fire protection district. The provisions of section [321.140](#) shall also apply to the election and order establishing the consolidated fire protection district.

(L. 1961 p. 553 § 2, A.L. 1969 H.B. 322)

### **Recording of order of consolidation--fee (constitutional chartercounties).**

[321.470](#). The order of the circuit court having jurisdiction, as well as finding and determining the votes of the election, shall direct the clerk of the court to transmit to the county clerk and to the recorder of deeds of each county in which the consolidated district is located a certified copy of such order, to be filed in the same manner as articles of incorporation are required to be filed under the general laws concerning corporations, and each recorder and each clerk shall each receive, for such filing, a fee of one dollar, to be charged as costs in the proceeding.

(L. 1961 p. 553 § 3, A.L. 1978 S.B. 628)

### **Initiative and referendum authorized.**

[321.490](#). All powers which may be exercised by the board of directors of a fire protection district may be exercised by the voters of that district by initiative or referendum.

(L. 1969 H.B. 322, A.L. 1978 H.B. 971)

### **Form of petition.**

[321.495](#). 1. A petition for a referendum shall be in substantially the following form:

#### WARNING

It is a felony for anyone to sign any initiative or referendum petition with any name other than his own, or to knowingly sign his name more than once for the measure, or to sign such petition when he is not a legal voter.

#### INITIATIVE PETITION

To the board of directors of the ..... Fire Protection District:

We the undersigned, citizens and voters of the state of Missouri and the ..... Fire Protection District, respectfully order that (describe the measure) shall be referred to the people of the district for their approval or rejection, at the regular (special) election to be held on the ..... day of ....., 20.., and each for himself says: I have personally signed this petition; I am a duly qualified elector of the state and district; my residence and post-office address are correctly written after my name.

Name ..... Residence ..... Post Office ..... (if in a city, street and number) (Here follow numbered lines for signatures.)

2. Every sheet for petitioners' signatures shall be attached to a full and correct copy of the title and text of the measure proposed by the initiative petition. Referendum petitions shall be attached to a full and correct copy of the measure on which the referendum is demanded.

3. Each sheet of every petition containing signatures shall be verified in substantially the following form by the person who circulated the sheet, by his affidavit thereon:

State of Missouri County of .....

I, ....., being first duly sworn, say that each person whose name appears on this sheet signed his name thereto in my presence; I believe that each has stated his name, post-office address and residence correctly, and that each signer is a voter of the state of Missouri and ..... Fire Protection District. (signature and post-office address of affiant)

Subscribed and sworn to before me this .... day of ....., 20... (signature and title of officer before whom oath is made and his post-office address)

(L. 1969 H.B. 322, A.L. 1978 H.B. 971)

**Signatures required for referendum or initiative petition--submission of question--vote required.**

321.500. 1. If an initiative or referendum petition is presented to the secretary of the board of directors, which petition carries the names of voters of the district, equal in number of votes of the district who voted in the last regular district election, the board of directors shall submit the question pursuant to the order or demand of the petition.

2. The measure called for in the petition is adopted if it receives an affirmative majority vote of the voters voting at the district election.

(L. 1969 H.B. 322, A.L. 1978 H.B. 971)

**Fire district may contract with private provider--ballot.**

321.506. 1. Fire districts in the state of Missouri may contract to a private company to provide fire service only if a majority of voters of the political subdivision authorize such a proposal at a public election.

2. The ballot shall be in the following form:

Shall the ..... (name of fire district) have the authority to contract the fire service of the district to a private company?

YES  NO

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the fire district board may have the authority to contract fire services to a private company. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the fire district board shall have no authority to contract fire services to a private company.

(L. 1996 S.B. 735 § 2)

CROSS REFERENCE:

Municipal fire departments may contract with private providers for fire protection, vote required, [85.012](#)

**Sales tax authorized in certain counties (all except Greene, Platte, Clay, St. Louis, and St. Charles counties) for ambulance and fire protection--ballot language--special trust fund established--refunds authorized.**

[321.552](#). 1. Except in any county of the first classification with over two hundred thousand inhabitants, or any county of the first classification without a charter form of government and with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants; or any county of the first classification without a charter form of government and with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants; or any county with a charter form of government with over one million inhabitants; or any county with a charter form of government with over two hundred eighty thousand inhabitants but less than three hundred thousand inhabitants, the governing body of any ambulance or fire protection district may impose a sales tax in an amount up to one-half of one percent on all retail sales made in such ambulance or fire protection district which are subject to taxation pursuant to the provisions of sections [144.010](#) to [144.525](#) provided that such sales tax shall be accompanied by a reduction in the district's tax rate as defined in section [137.073](#). The tax authorized by this section shall be in addition to any and all other sales taxes allowed by law, except that no sales tax imposed pursuant to the provisions of this section shall be effective unless the governing body of the ambulance or fire protection district submits to the voters of such ambulance or fire protection district, at a municipal or state general, primary or special election, a proposal to authorize the governing body of the ambulance or fire protection district to impose a tax pursuant to this section.

2. The ballot of submission shall contain, but need not be limited to, the following language:

Shall ..... (insert name of ambulance or fire protection district) impose a sales tax of ..... (insert amount up to one-half) of one percent for the purpose of providing revenues for the operation of the ..... (insert name of ambulance or fire protection district) and the total property tax levy on properties in the ..... (insert name of the ambulance or fire protection

district) shall be reduced annually by an amount which reduces property tax revenues by an amount equal to fifty percent of the previous year's revenue collected from this sales tax?

YES  NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

3. If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the sales tax authorized in this section shall be in effect and the governing body of the ambulance or fire protection district shall lower the level of its tax rate by an amount which reduces property tax revenues by an amount equal to fifty percent of the amount of sales tax collected in the preceding year. If a majority of the votes cast by the qualified voters voting are opposed to the proposal, then the governing body of the ambulance or fire protection district shall not impose the sales tax authorized in this section unless and until the governing body of such ambulance or fire protection district resubmits a proposal to authorize the governing body of the ambulance or fire protection district to impose the sales tax authorized by this section and such proposal is approved by a majority of the qualified voters voting thereon.

4. All revenue received by a district from the tax authorized pursuant to this section shall be deposited in a special trust fund, and be used solely for the purposes specified in the proposal submitted pursuant to this section for so long as the tax shall remain in effect.

5. All sales taxes collected by the director of revenue pursuant to this section, less one percent for cost of collection which shall be deposited in the state's general revenue fund after payment of premiums for surety bonds as provided in section [32.087](#), shall be deposited in a special trust fund, which is hereby created, to be known as the "Ambulance or Fire Protection District Sales Tax Trust Fund". The moneys in the ambulance or fire protection district sales tax trust fund shall not be deemed to be state funds and shall not be commingled with any funds of the state. The director of revenue shall keep accurate records of the amount of money in the trust and the amount collected in each district imposing a sales tax pursuant to this section, and the records shall be open to inspection by officers of the county and to the public. Not later than the tenth day of each month the director of revenue shall distribute all moneys deposited in the trust fund during the preceding month to the governing body of the district which levied the tax; such funds shall be deposited with the board treasurer of each such district.

6. The director of revenue may make refunds from the amounts in the trust fund and credit any district for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such district. If any district abolishes the tax, the district shall notify the director of revenue of the action at least ninety days prior to the effective date of the repeal and the director of revenue may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such district, the director of revenue shall remit the balance in the account to the district and close the account of that district. The

director of revenue shall notify each district of each instance of any amount refunded or any check redeemed from receipts due the district.

7. Except as modified in this section, all provisions of sections [32.085](#) and [32.087](#) shall apply to the tax imposed pursuant to this section.

(L. 2002 S.B. 1107, A.L. 2003 S.B. 68)

**Adjustment in total operating levy of district based on sales tax revenue, exceptions--general reassessment, effect of.**

[321.554](#). 1. Except in any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants, or any county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, when the revenue from the ambulance or fire protection district sales tax is collected for distribution pursuant to section [321.552](#), the board of the ambulance or fire protection district, after determining its budget for the year pursuant to section [67.010](#) and the rate of levy needed to produce the required revenue and after making any other adjustments to the levy that may be required by any other law, shall reduce the total operating levy of the district in an amount sufficient to decrease the revenue it would have received therefrom by an amount equal to fifty percent of the previous fiscal year's sales tax receipts. Loss of revenue due to a decrease in the assessed valuation of real property located within the ambulance or fire protection district as a result of general reassessment and from state-assessed railroad and utility distributable property based upon the previous fiscal year's receipts shall be considered in lowering the rate of levy to comply with this section in the year of general reassessment and in each subsequent year. In the event that in the immediately preceding year the ambulance or fire protection district actually received more or less sales tax revenue than estimated, the ambulance or fire protection district board may adjust its operating levy for the current year to reflect such increase or decrease. The director of revenue shall certify the amount payable from the ambulance or fire protection district sales tax trust fund to the general revenue fund to the state treasurer.

2. Except that, in the first year in which any sales tax is collected pursuant to section [321.552](#), any taxing authority subject to this section shall not reduce the tax rate as defined in section [137.073](#).

3. In a year of general reassessment, as defined by section [137.073](#), or assessment maintenance as defined by section [137.115](#) in which an ambulance or fire protection district in reliance upon the information then available to it relating to the total assessed valuation of such ambulance or fire protection district revises its property tax levy pursuant to section [137.073](#) or [137.115](#), and it is subsequently determined by decisions of the state tax commission or a court pursuant to sections [138.430](#) to [138.433](#) or due to clerical errors or corrections

in the calculation or recordation of assessed valuations that the assessed valuation of such ambulance or fire protection district has been changed, and but for such change the ambulance or fire protection district would have adopted a different levy on the date of its original action, then the ambulance or fire protection district may adjust its levy to an amount to reflect such change in assessed valuation, including, if necessary, a change in the levy reduction required by this section to the amount it would have levied had the correct assessed valuation been known to it on the date of its original action, provided:

(1) The ambulance or fire protection district first levies the maximum levy allowed without a vote of the people by Article X, Section 11(b) of the Constitution; and

(2) The ambulance or fire protection district first adopts the tax rate ceiling otherwise authorized by other laws of this state; and

(3) The levy adjustment or reduction may include a one-time correction to recoup lost revenues the ambulance or fire protection district was entitled to receive during the prior year.

(L. 2002 S.B. 1107, A.L. 2004 H.B. 795, et al., A.L. 2006 S.B. 893)

**Repeal of sales tax, procedure, exceptions--ballot language.**

321.556. 1. Except in any county of the first classification with more than two hundred forty thousand three hundred but less than two hundred forty thousand four hundred inhabitants, or any county of the first classification with more than seventy-three thousand seven hundred but less than seventy-three thousand eight hundred inhabitants, or any county of the first classification with more than one hundred eighty-four thousand but less than one hundred eighty-eight thousand inhabitants, or any county with a charter form of government and with more than one million inhabitants, or any county with a charter form of government and with more than two hundred fifty thousand but less than three hundred fifty thousand inhabitants, the governing body of any ambulance or fire protection district, when presented with a petition signed by at least twenty percent of the registered voters in the ambulance or fire protection district that voted in the last gubernatorial election, calling for an election to repeal the tax pursuant to section 321.552, shall submit the question to the voters using the same procedure by which the imposition of the tax was voted. The ballot of submission shall be in substantially the following form:

Shall ..... (insert name of ambulance or fire protection district) repeal the .....  
(insert amount up to one-half) of one percent sales tax now in effect in the ..... (insert name of ambulance or fire protection district) and reestablish the property tax levy in the district to the rate in existence prior to the enactment of the sales tax?

YES  NO

If you are in favor of the question, place an "X" in the box opposite "Yes". If you are opposed to the question, place an "X" in the box opposite "No".

2. If a majority of the votes cast on the proposal by the qualified voters of the district voting thereon are in favor of repeal, that repeal shall become effective December thirty-first of the calendar year in which such repeal was approved.

(L. 2002 S.B. 1107, A.L. 2004 H.B. 795, et al.)

**Powers of board in providing fire protection--employee benefits plan(first class counties).**

321.600. For the purpose of providing fire protection to the property within the district, the district and, on its behalf, the board shall have the following powers, authority and privileges:

(1) To have perpetual existence;

(2) To have and use a corporate seal;

(3) To sue and be sued, and be a party to suits, actions and proceedings;

(4) To enter into contracts, franchises and agreements with any person, partnership, association or corporation, public or private, affecting the affairs of the district, including contracts with any municipality, district or state, or the United States of America, and any of their agencies, political subdivisions or instrumentalities, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service relating to the control or prevention of fires, including the installation, operation and maintenance of water supply distribution, fire hydrant and fire alarm systems; provided, that a notice shall be published for bids on all construction or purchase contracts for work or material or both, outside the authority contained in subdivision (9) of this section, involving an expense of ten thousand dollars or more;

(5) Upon approval of the voters, as herein provided, to borrow money and incur indebtedness and evidence the same by certificates, notes or debentures, and to issue bonds, in accordance with the provisions of sections 321.010 to 321.450;

(6) To acquire, construct, purchase, maintain, dispose of and encumber real and personal property, fire stations, fire protection and fire-fighting apparatus and auxiliary equipment therefor, and any interest therein, including leases and easements;

(7) To refund any bonded indebtedness of the district without an election. The terms and conditions of refunding bonds shall be substantially the same as those of the original issue of bonds, and the board shall provide for the payment of interest, at not to exceed the legal rate, and the principal of such refunding bonds in the same manner as is provided for the payment of interest and principal of bonds refunded;

(8) To have the management, control and supervision of all the business and affairs of the district, and the construction, installation, operation and maintenance of district improvements therein;

(9) To hire and retain agents, employees, engineers and attorneys, including part-time or volunteer firemen;

(10) To have and exercise the power of eminent domain and in the manner provided by law for the condemnation of private property for public use to take any property within the district necessary to the exercise of the powers herein granted;

(11) To receive and accept by bequest, gift or donation any kind of property. Notwithstanding any other provision of law to the contrary, any property received by the fire protection district as a gift or any property purchased by the fire protection district at a price below the actual market value of the property may be returned to the donor or resold to the seller if such property is not used for the specific purpose for which it was acquired;

(12) To adopt and amend bylaws, fire protection and fire prevention ordinances, and any other rules and regulations not in conflict with the constitution and laws of this state, necessary for the carrying on of the business, objects and affairs of the board and of the district, and refer to the proper authorities for prosecution any violation thereof detrimental to the district. Any person violating any such ordinance is hereby declared to be guilty of a class B misdemeanor, and upon conviction thereof shall be punished as is provided herein:

(a) The prosecuting attorney for the county in which the violation occurs shall prosecute such violations in the circuit court of that county. The legal officer or attorney for the fire district may be appointed by the prosecuting attorney as special assistant prosecuting attorney for the prosecution of any such violation; or

(b) The board may adopt a specific ordinance to impose a fine or a series of fines for specific offenses of not more than five hundred dollars. The accused person may either appear in court at a set date or make payment to the officer appointed by the board, either in person or through the United States mail, with the moneys handled as are all other moneys of the district. If the fine is not paid by the deadline imposed, the violation and the failure to pay the fine or appear in court at the set date may be further prosecuted as provided in paragraph (a) of this subdivision. The enactments of the fire district in delegating administrative authority to officials of the district may provide standards of action for the administrative officials, which standards are declared as industrial codes adopted by nationally organized and recognized trade bodies;

(13) To pay all court costs and expenses connected with the first election or any subsequent election in the district;

(14) To have and exercise all rights and powers necessary or incidental to or implied from the specific powers granted herein. Such specific powers shall not be considered as a limitation upon any power necessary or appropriate to carry out the purposes and intent of sections [321.010](#) to [321.450](#);

(15) To provide for health, accident, disability, and pension benefits, through either or both a contributory or noncontributory plan, of the salaried members and such other benefits for their spouses and eligible unemancipated children of its organized fire department of the district. For purposes of this section, "eligible unemancipated child" means a natural or adopted child of an insured, or a stepchild of an insured who is domiciled with the insured, who is less than twenty-three years of age, who is not married, not employed on a full-time basis, not maintaining a separate

residence except for full-time students in an accredited school or institution of higher learning, and who is dependent on parents or guardians for at least fifty percent of his or her support. Such benefits shall be determined by the board of directors of the fire protection district within the level of available revenues of the pension program and other available revenues of the district. If an employee contributory plan is adopted, then at least one voting member of the board of trustees shall be a member of the fire district elected by the contributing members, which shall not be the same as the board of directors;

(16) To provide for life insurance, accident, sickness, health, disability, annuity, uniform, length of service, pension, retirement and other employee-type fringe benefits, subject to the provisions of section [70.615](#), through either a contributory or noncontributory plan or both, for the volunteer members and such other benefits for their spouses and minor children of any organized fire department of the district. The type and amount of such benefits shall be determined by the board of directors of the fire protection district within available revenues of the district, including the pension program of the district. The provision and receipt of such benefits shall not make the recipient an employee of the district. Directors who are also volunteer members may receive such benefits while serving as a director of the district;

(17) To contract for services with any rural, volunteer or subscription fire department or organization, or volunteer fire protection association, as defined in section [320.300](#), for the purpose of providing the benefits described in subdivision (16) of this section.

(L. 1947 V. I p. 432 § 23, A.L. 1961 p. 550, A.L. 1965 p. 509, A.L. 1969 H.B. 334 § [321.220](#), A.L. 1978 H.B. 971, S.B. 628, A.L. 1982 S.B. 649, A.L. 1989 H.B. 487, A.L. 1990 H.B. 1395 & 1448 merged with H.B. 1675, A.L. 1992 S.B. 649, A.L. 1993 H.B. 373, A.L. 1995 H.B. 452, et al., A.L. 1999 S.B. 436)

**Attendance fees permitted, fire district board members (firstclassification charter counties).**

[321.603](#). In addition to the compensation provided pursuant to section [321.190](#) for fire protection districts located in a county of the first classification with a charter form of government, each member of any such fire protection district board may receive an attendance fee not to exceed one hundred dollars for attending a board meeting conducted pursuant to chapter 610, but such board member shall not be paid for attending more than four such meetings in any calendar month. However, no board member shall be paid more than one attendance fee if such member attends more than one meeting conducted under chapter 610 in a calendar week.

(L. 1999 S.B. 436 § 1, A.L. 2005 H.B. 58 merged with H.B. 127 merged with S.B. 210)

**Rate of levy--limit--additional levies by vote of people--electionsheld when--form of ballot (counties, first class).**

[321.610](#). 1. In addition to all other limits set forth in this chapter, the board in counties of the first classification shall in each year determine the amount of money necessary to be raised by taxation, and shall fix a rate of levy which, when levied upon every dollar of the taxable tangible property within the district as shown by the last completed assessment, and with other revenues, will

raise the amount required by the district annually to supply funds for paying the expenses of organization and operation and the costs of acquiring, supplying and maintaining the property, works and equipment of the district, and maintain the necessary personnel, which rate of levy shall not exceed forty cents on the one hundred dollars valuation. The board in any county of the first classification having a population in excess of nine hundred thousand may fix an additional rate not to exceed twenty-five cents on the hundred dollars valuation and the board in all other first classification counties may fix an additional rate, not to exceed fifteen cents on the hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district, by submitting the following question to the voters at the municipal general, primary or general election in such district or at any election at which a member of the board of directors is to be elected:

Shall the board of directors of ..... Fire Protection District be authorized to levy an annual tax rate of ..... cents per one hundred dollars valuation, the revenues from which shall be deposited in a special fund and used only for the pension program of the district?

2. Any district approving a tax levy rate pursuant to the provisions of subsection 1 of this section shall transfer all revenue collected plus interest monthly for deposit in the district retirement fund. The board of directors for the fire protection district shall comply with the prudent investor standard for investment fiduciaries as provided in section [105.688](#) when investing the assets of the pension program.

3. Any district may impose a tax not to exceed ten cents on the one hundred dollars valuation, in addition to the rate which the board may levy pursuant to this section, by submitting the following question to the voters at any election in such district held on the first Tuesday in April of any year:

Shall the board of directors of ..... Fire District be authorized to increase the annual tax rate from ..... cents to ..... cents on the hundred dollars assessed valuation? and in addition thereto, to fix a rate of levy which will enable it to promptly pay in full when due all interest on and principal of bonds and other obligations of the district, and to pay any indebtedness authorized by a vote of the people as provided by sections [321.010](#) to [321.450](#); and in the event of accruing defaults or deficiencies in the bonded or contractual indebtedness, an additional levy may be made as provided in section [321.260](#).

(L. 1947 V. I p. 432 § 25, A.L. 1953 p. 665, A.L. 1965 pp. 513, 514, A.L. 1969 H.B. 334 § [321.240](#), A.L. 1978 H.B. 971, A.L. 1979 H.B. 322, A.L. 1987 H.B. 57, A.L. 1988 S.B. 725, A.L. 1995 H.B. 260, et al. merged with H.B. 416 merged with H.B. 452, et al., A.L. 1996 H.B. 1093)

**Ambulance and emergency medical services may be provided--emergency,defined--election held when, procedure to call--additional taxlevy, amount--if tax levy fails, old levy to remain in effect.**

[321.620](#). 1. Fire protection districts in first class counties may, in addition to their other powers and duties, provide ambulance service within their district if a majority of the voters voting thereon approve a proposition to furnish such service and to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to be used exclusively to supply funds for the operation of an

emergency ambulance service. The district shall exercise the same powers and duties in operating an ambulance service as it does in operating its fire protection service. As used in this section "emergency" means a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

2. The proposition to furnish ambulance service may be submitted by the board of directors at any municipal general, primary or general election or at any election of the members of the board or upon petition by five hundred voters of such district.

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

Shall the board of directors of ..... Fire Protection\* District be authorized to provide ambulance service within the district and be authorized to levy a tax not to exceed thirty cents on the one hundred dollars assessed valuation to provide funds for such service?

4. If a majority of the voters casting votes thereon be in favor of ambulance service and the levy, the district shall forthwith commence such service.

5. In addition to all other taxes authorized on or before September 1, 1990, the board of directors of any fire protection district may, if a majority of the voters of the district voting thereon approve, levy an additional tax of not more than forty cents per one hundred dollars of assessed valuation to be used for the support of the ambulance service, or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program. The proposition to levy the tax authorized by this subsection may be submitted by the board of directors at the next annual election of the members of the board or at any regular municipal or school election conducted by the county clerk or board of election commissioners in such district or at a special election called for the purpose, or upon petition of five hundred registered voters of the district. A separate ballot containing the question shall read as follows:

Shall the board of directors of the ..... Fire Protection District be authorized to levy an additional tax of not more than forty cents per one hundred dollars assessed valuation to provide funds for the support of an ambulance service or partial or complete support of an emergency medical technician defibrillator program or partial or complete support of an emergency medical technician paramedic first responder program?

FOR THE PROPOSITION

AGAINST THE PROPOSITION

(Place an X in the square opposite the one for which you wish to vote). If a majority of the qualified voters casting votes thereon be in favor of the question, the board of directors shall accordingly levy a tax in accordance with the provisions of this subsection, but if a majority of voters casting votes thereon do not vote in favor of the levy authorized by this subsection, any levy previously authorized shall remain in effect.

(L. 1969 S.B. 152 § [321.225](#), A.L. 1977 H.B. 216, A.L. 1978 H.B. 971, A.L. 1984 H.B. 924, A.L. 1988 S.B. 725, A.L. 1990 H.B. 1395 & 1448, A.L. 1992 S.B. 630)

\*Word "Protection" does not appear in original rolls.

**Responding to fires or emergencies beyond corporate boundaries,exception--liabilities for claims, death or injuries--charges forresponding.**

[321.622](#). 1. Fire protection districts, when asked to respond to fires or other emergencies beyond its corporate boundaries may charge for those services rendered.

2. When formal mutual aid agreements are in place with adjoining areas and departments, this provision is not applicable except by formal agreement and contract with the adjoining department.

3. In responding to fires or other emergencies outside the corporate boundaries of a fire protection district, the fire protection district responding and its firefighters shall be subject to the same liabilities for claims for death or injury to persons or property as those subjected to when responding to fires or emergencies within their respective fire protection district.

4. In responding to fires or emergencies outside the corporate boundaries of the fire protection district, the fire protection district responding may charge up to the following fees:

(1) One hundred dollars for responding to each fire call or alarm;

(2) Five hundred dollars for each hour or a proportional sum for each quarter hour spent in combating a fire or emergency.

5. No property owner shall be liable for fees or charges under this section if the property owner has previously entered into an agreement with the fire protection district in writing, prior to the occurrence of the fire or emergency.

(L. 1990 H.B. 1395 & 1448 § 2)

**Consolidation of two or more fire districts, procedure--board of directors, terms (St. Louis County).**

[321.687](#). In any county of the first class with a charter form of government containing a population of nine hundred thousand or more, if two or more fire districts consolidate as prescribed by sections [321.460](#) to [321.470](#), the new board of directors will consist of five members. If, upon canvass and declaration, it is found and determined that a majority of the voters of the districts voting on the propositions have voted in favor of the proposition to incorporate the consolidated district, then the court shall then further, in its order, designate the first board of directors of the consolidated district, who have been elected by the voters voting thereon as follows: The one receiving the fifth highest number of votes to hold office for a term of at least one year, the one receiving the fourth highest number of votes to hold office for a term of at least two years, the one receiving the third highest number of votes to hold office for a term of at least three years and the two receiving the second and first highest number of votes to hold office for a term of at least four years from the date of the election of the board of directors and until their successors are duly elected and qualified. Thereafter, members of the board shall be elected to serve terms of four years and until their successors are duly elected and qualified.

(L. 1993 H.B. 177)

**Consolidation of districts--ballot language--effect of.**

321.688. 1. The board of directors of any fire protection districts located wholly within any county of the first classification may consolidate with each other upon the passage of a joint resolution by each board desiring to consolidate. The joint resolution shall not become effective unless each board submits to the voters residing within the fire protection districts at a state general, primary, or special election a proposal to authorize the consolidation under this section.

2. The ballot of submission for the consolidation authorized in this section shall be in substantially the following form:

Shall ..... (insert the name of the fire protection districts) be consolidated into one fire protection district, to be known as the ..... (insert name of proposed consolidated fire protection district)?

YES  NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the question by the qualified voters voting thereon in each existing fire protection district are in favor of the question, then the consolidation shall become effective on January first of the year immediately following the approval of the consolidation, unless the consolidation is approved at a November election, in which case the consolidation shall become effective on January first of the second year following the approval of the consolidation.

3. The board of directors of any consolidated fire protection district created under this section shall consist of the existing board members of the fire protection districts that were consolidated. Upon the occurrence of a vacancy in the membership of the board, the number of members on the board may be reduced upon approval by a majority of the remaining board members, but the number of seats shall not be reduced to fewer than five. The terms of office for board members shall be identical to the terms of office the board members were originally elected to serve before the consolidation.

4. Upon the approval of consolidation under this section, the consolidated district shall be a political subdivision of this state and a body corporate, with all the powers of like or similar corporations, and with all the powers, privileges, and duties of fire protection districts under this chapter. All properties, rights, assets, and liabilities of the fire protection districts which are consolidated, including outstanding bonds thereof if any, shall become the properties, rights, assets, and liabilities of the consolidated fire protection district.

5. The consolidated fire protection district shall levy the same taxes as levied in the fire protection district with the lowest tax levy before the consolidation unless a tax levy is specifically set forth in the ballot language approved by the voters of the consolidating districts, except that the tax levy of the consolidated district shall not exceed the highest tax levy of the consolidating districts.

(L. 2007 S.B. 22)

**Audits to be performed, when--rules established by state auditor(Christian County fire protection districts exempt from audits).**

321.690. 1. In counties of the first classification having a charter form of government and having more than nine hundred thousand inhabitants and in counties of the first classification which contain a city with a population of one hundred thousand or more inhabitants which adjoins no other county of the first classification, the governing body of each fire protection district shall cause an audit to be performed consistent with rules and regulations promulgated by the state auditor.

2. (1) All such districts shall cause an audit to be performed biennially. Each such audit shall cover the period of the two previous fiscal years.

(2) Any fire protection district with less than fifty thousand dollars in annual revenues may, with the approval of the state auditor, be exempted from the audit requirement of this section if it files appropriate reports on its affairs with the state auditor within five months after the close of each fiscal year and if these reports comply with the provisions of section 105.145. These reports shall be reviewed, approved and signed by a majority of the members of the governing body of the fire protection district seeking exemption.

3. Copies of each audit report must be completed and submitted to the fire protection district and the state auditor within six months after the close of the audit period. One copy of the audit report and accompanying comments shall be maintained by the governing body of the fire protection district for public inspection at reasonable times in the principal office of the district. The state auditor shall also maintain a copy of the audit report and comment. If any audit report fails to comply with the rules promulgated by the state auditor, that official shall notify the fire protection district and specify the defects. If the defects specified are not corrected within ninety days from the date of the state auditor's notice to the district, or if a copy of the required audit report and accompanying comments have not been received by the state auditor within six months after the end of the audit period, the state auditor shall make, or cause to be made, the required audit at the expense of the fire protection district.

4. The provisions of this section shall not apply to any fire protection district based and substantially located in a county of the third classification with a population of at least thirty-one thousand five hundred but not greater than thirty-three thousand.

(L. 1977 H.B. 216, A.L. 1981 S.B. 200, A.L. 1986 H.B. 877, A.L. 1991 S.B. 34, A.L. 1993 H.B. 177 merged with S.B. 346, A.L. 1998 H.B. 1847)

**Dissolution of district, funds distributed to city, when.**

321.700. If a property tax has been approved and is being collected for the purpose of supporting a fire protection district and such fire protection district is dissolved, such tax shall continue to be collected and the proceeds of such tax shall be distributed to the governing body of the city formerly containing the dissolved fire protection district, provided that the boundaries of the

fire protection district are the same as the city and the tax is used only for providing fire protection services within such city.

(L. 1995 H.B. 452, et al.)

### **Members of board subject to recall--exceptions.**

[321.701](#). 1. Each member of a fire protection district board shall be subject to recall from office by the registered voters of the district from which he was elected. Proceedings may be commenced for the recall of any fire protection district board member by the filing of a notice of intention to circulate a recall petition pursuant to sections [321.701](#) to [321.716](#).

2. Proceedings may not be commenced against any member if, at the time of commencement, that member:

(1) Has not held office during his current term for a period of more than one hundred eighty days; or

(2) Has one hundred eighty days or less remaining in his term; or

(3) Has had a recall election determined in his favor within the current term of office.

(L. 1995 H.B. 452, et al. and L. 1995 H.B. 484, et al., A.L. 2011 H.B. 315)

### **Notice of intent to circulate recall petition, service,contents--answer--purpose.**

[321.703](#). 1. The notice of intention to circulate a recall petition shall be served personally, or by certified mail, on the board member sought to be recalled. A copy thereof shall be filed, along with an affidavit of the time and manner of service, with the election authority, as defined in chapter 115. A separate notice shall be filed for each board member sought to be recalled and shall contain all of the following:

(1) The name of the board member sought to be recalled;

(2) A statement, not exceeding two hundred words in length, of the reasons for the proposed recall;

(3) The name(s) and business or residence address(es) of at least one, and not more than five, proponent(s) of the recall.

2. Within seven days after the filing of the notice of intention, the board member may file with the election authority a statement, not exceeding two hundred words in length, in answer to the statement of the proponents. If an answer is filed, the board member shall also serve a copy of it, personally or by certified mail, on one of the proponents named in the notice of intention.

3. The statement and answer are intended solely for the information of the voters. No insufficiency in form or substance thereof shall affect the validity of the election proceedings.

(L. 1995 H.B. 452, et al. merged with H.B. 484, et al.)

### **Petition for recall, content.**

[321.707](#). Before any signature may be affixed to a recall petition, the petition must bear all of the following:

- (1) A request that an election be called to elect a successor to the board member;
  - (2) A copy of the notice of intention, including the statement of grounds for recall;
  - (3) The answer of the board member sought to be recalled, if any. If the board member has not answered, the petition shall so state;
  - (4) A place for each signer to affix his or her signature, printed name and residence address including city or unincorporated community.
- (L. 1995 H.B. 452, et al. merged with H.B. 484, et al.)

### **Affidavit to be attached to each section of the petition--content.**

[321.709](#). Each section of the petition, when submitted to the election authority, shall have attached to it an affidavit signed by the circulator of that section, setting forth all of the following:

- (1) The printed name of the affiant;
  - (2) The residence address of the affiant;
  - (3) That the affiant circulated that section and saw the appended signatures be written;
  - (4) That according to the best information and belief of the affiant, each signature is the genuine signature of the person whose name it purports to be;
  - (5) That the affiant is a registered voter of the fire protection district of the board member sought to be recalled; and
  - (6) The dates between which all the signatures to the petition were obtained.
- (L. 1995 H.B. 452, et al. merged with H.B. 484, et al.)

### **Recall petition, number of signatures required, timelimitation--petition found insufficient, supplemental petition maybe filed, when--supplemental petition insufficient, effect.**

[321.711](#). 1. A recall petition shall be filed with the election authority not more than one hundred eighty days after the filing of the notice of intention.

2. The number of qualified signatures required in order to recall an officer shall be equal in number to at least twenty-five percent of the number of voters who voted in the most recent gubernatorial election in that district.

3. Within twenty days from the filing of the recall petition the election authority shall determine whether or not the petition was signed by the required number of qualified signatures. The election

authority shall file with the petition a certificate showing the results of the examination. The authority shall give the proponents a copy of the certificate upon their request.

4. If the election authority certifies the petition to be insufficient, it may be supplemented within ten days of the date of certificate by filing additional petition sections containing all of the information required by section [321.709](#) and this section. Within ten days after the supplemental copies are filed, the election authority shall file with it a certificate stating whether or not the petition as supplemented is sufficient.

5. If the certificate shows that the petition as supplemented is insufficient, no action shall be taken on it; however, the petition shall remain on file.

(L. 1995 H.B. 452, et al. merged with H.B. 484, et al.)

**Certification of petition by election authority, content, election to be held--candidacy nomination filed--resignation by board member, recall to be removed from ballot--resigned board member may not fill vacancy.**

[321.714](#). 1. If the election authority finds the signatures on the petition, together with the supplementary petition sections if any, to be sufficient, it shall submit its certificate as to the sufficiency of the petition to the fire protection district board prior to its next meeting. The certificate shall contain:

- (1) The name of the member whose recall is sought;
- (2) The number of signatures required by law;
- (3) The total number of signatures on the petition;
- (4) The number of valid signatures on the petition.

2. Following the fire protection board's receipt of the certificate, the county election authority shall order an election to be held on one of the election days specified in section [115.123](#). The election shall be held not less than forty-five days nor more than one hundred twenty days after the fire protection district board receives the petition. Nominations hereunder shall be made by filing a statement of candidacy with the election authority.

3. At any time prior to forty-two days before the election, the member sought to be recalled may offer his resignation. If his resignation is offered, the recall question shall be removed from the ballot and the office declared vacant. The member who resigned may not fill the vacancy which shall be filled as provided by law.

(L. 1995 H.B. 452, et al. and L. 1995 H.B. 484, et al., A.L. 2011 H.B. 315)

**Laws governing recall election, costs, how paid.**

[321.716](#). The provisions of chapter 115 governing the conduct of elections shall apply, where appropriate, to recall elections held under sections [321.701](#) to [321.716](#). The costs of the election shall be paid as provided in chapter 115.

(L. 1995 H.B. 452, et al. merged with H.B. 484, et al.)

**Retirement plan, board may establish.**

[321.800](#). Notwithstanding any other law to the contrary, any board of directors established under the provisions of this chapter administering its own retirement or other benefits-related plan shall administer such plan by a separate five-member pension board of trustees. Pension plan participants shall elect three such participants to be submitted to the board of directors. The board of directors shall select two of the three participants to serve on the five-member pension board of trustees. The board of directors shall be the other three members of the five-member pension board of trustees.

(L. 2007 S.B. 406)



Missouri General Assembly  
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