

FIRST REGULAR SESSION

HOUSE BILL NO. 497

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE LUETKENHAUS.

Read 1st time January 23, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1450L.011

AN ACT

To repeal section 320.094, RSMo 2000, relating to fire protection, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Section 320.094, RSMo 2000, is repealed and three new sections enacted in lieu thereof, to be known as sections 320.094, 320.097 and 320.098, to read as follows:

320.094. 1. The state treasurer shall annually transfer an amount prescribed in subsection 2 of this section out of the state revenues derived from premium taxes levied on insurance companies pursuant to sections 148.310 to 148.461, RSMo, which are deposited by the director of revenue in the general revenue fund pursuant to section 148.330, RSMo, in a fund hereby created in the state treasury, to be known as the "Fire Education Fund". Any interest earned from investment of moneys in the fund shall be credited to the fund. The state treasurer shall administer the fund, and the moneys in such fund shall be used solely as prescribed in this section. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, moneys in the fire education fund at the end of any biennium shall not be transferred to the credit of the general revenue fund.

2. Beginning July 1, [1998, three] **2002, five-tenths of one** percent of the amount of premium taxes collected in the immediately preceding fiscal year pursuant to sections 148.310 to 148.461, RSMo, which are deposited in the general revenue fund [that exceeds the amount of premium taxes which were deposited in the general revenue fund in the 1997 fiscal year] shall be transferred from the general revenue fund to the credit of the fire education fund. [At the end of each fiscal year, the commissioner of administration shall determine the amount transferred

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

17 to the credit of the fire education fund in each fiscal year by computing the premium taxes
18 deposited in the general revenue fund in the prior fiscal year and comparing such amount to the
19 amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year.] An
20 amount equal to [three] **five-tenths of one** percent [of the increase computed pursuant to this
21 section] shall be transferred by the state treasurer to the credit of the fire education fund;
22 however, such transfer in any fiscal year shall not exceed one million five hundred thousand
23 dollars; **provided, however, that each fiscal year fifty-five percent of the money transferred**
24 **to the fire education fund shall be utilized for fire education. Twenty-five percent of the**
25 **money transferred shall be deposited into the fire district equipment fund, a subaccount**
26 **of the fire education fund pursuant to section 320.097.**

27 3. There is hereby established a special trust fund, to be known as the "Missouri Fire
28 Education Trust Fund", which shall consist of all moneys transferred to the fund from the fire
29 education fund pursuant to this subsection and any earnings resulting from the investment of
30 moneys in the fund. Each fiscal year, an amount equal to [forty] **twenty** percent of the moneys
31 transferred to the fire education fund shall be transferred by the state treasurer to the credit of the
32 Missouri fire education trust fund. The fund shall be administered by a board of trustees,
33 consisting of the state treasurer, two members of the senate appointed by the president pro tem
34 of the senate, two members of the house of representatives appointed by the speaker of the house,
35 and two members appointed by the governor with the advice and consent of the senate. Any
36 member appointed due to such person's membership in the senate or house of representatives
37 shall serve only as long as such person holds the office referenced in this section. The state
38 treasurer shall invest moneys in the fund in a manner as provided by law. Subject to
39 appropriations, moneys in the fund shall be used solely for the purposes described in this section,
40 but such appropriations shall be made only if the board recommends to the general assembly that
41 such moneys are needed in that fiscal year to adequately fund the activities described in this
42 section. Moneys shall accumulate in the trust fund until the earnings from investment of moneys
43 in the fund can adequately support the activities described in this section, as determined by the
44 board. At such time, the board may recommend that the general assembly adjust or eliminate
45 the funding mechanism described in this section. Notwithstanding the provisions of section
46 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust fund at the end of any
47 biennium shall not be transferred to the credit of the general revenue fund.

48 4. The moneys in the fire education fund, after any distribution pursuant to subsection
49 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training
50 Institute and the institute shall use the moneys received under this subsection to coordinate
51 education needs in cooperation with community colleges, colleges, regional training facilities,
52 and universities of this state and shall provide training and continuing education to firefighters

53 in this state relating to fire department operations and the personal safety of firefighters while
54 performing fire department activities. Programs and activities funded under this subsection must
55 be approved by the Missouri fire education commission established in subsection 5 of this
56 section. These funds shall primarily be used to provide field education throughout the state, with
57 not more than two percent of funds under this subsection expended on administrative costs.

58 5. There is established the "Missouri Fire Education Commission", to be domiciled in
59 the division of fire safety within the department of public safety. The commission shall be
60 composed of five members appointed by the governor with the advice and consent of the senate,
61 consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one
62 full-time firefighter employed by a [recognized] fire department or fire protection district, one
63 firefighter training officer, one person serving as the chief of a volunteer fire protection
64 association, and one chief fire officer from a [recognized] fire department or fire protection
65 district. No more than three members appointed by the governor shall be of the same political
66 party. The terms of office for the members appointed by the governor shall be four years and
67 until their successors are selected and qualified, except that, of those first appointed, two shall
68 have a term of four years, two shall have a term of three years and one shall have a term of two
69 years. There is no limitation on the number of terms an appointed member may serve. The
70 governor may appoint a member for the remaining portion of the unexpired term created by a
71 vacancy. The governor may remove any appointed member for cause. The members shall at
72 their initial meeting select a chairman. All members of the commission shall serve without
73 compensation for their duties, but shall be reimbursed for necessary travel and other expenses
74 incurred in the performance of their official duties. The commission shall meet at least quarterly
75 at the call of the chairman and shall review and determine appropriate programs and activities
76 for which funds may be expended under subsection 4 of this section.

**320.097. 1. There is hereby established, as a subaccount of the fire education fund
2 as established in subsection 1 of section 320.094, the "Fire District Equipment Fund",
3 which shall be maintained and accounted for separately, and which shall consist of all
4 moneys transferred pursuant to subsection 2 of section 320.094 and moneys from all lawful
5 public and private sources. Moneys in the subaccount shall be used to provide funds to fire
6 departments with less than ten thousand dollars in revenue per year, fire protection
7 districts with less than ten thousand dollars in revenue per year and volunteer fire
8 protection associations serving an area having a population of less than ten thousand.
9 Moneys in the subaccount may be used only for purposes authorized by the Missouri fire
10 education commission and the Missouri division of fire safety.**

**11 2. The fire education commission shall annually prepare an intended use plan for
12 the funds available in the subaccount.**

13 **3. The division of fire safety with approval by the fire education commission may**
14 **make direct grants to aid in funding equipment of any fire department with less than ten**
15 **thousand dollars in revenue per year, any fire protection district with less than ten**
16 **thousand dollars in revenue per year or any volunteer fire protection association serving**
17 **a population of less than ten thousand. The grants may be made to supplement funds from**
18 **loan proceeds or other private or public sources. Grants may be used to match federal**
19 **matching grant programs.**

320.098. 1. Fire departments with less than ten thousand dollars in revenue per
2 **year, fire protection districts with less than ten thousand dollars in revenue per year or**
3 **volunteer fire protection associations serving an area having a population of less than ten**
4 **thousand shall first apply with the division of fire safety for a grant pursuant to section**
5 **320.097. The division of fire safety shall make the necessary rules and regulations for the**
6 **consideration and processing of all grant requests, which shall generally conform to those**
7 **used by federal grant and loan agencies, which rules shall be filed in the office of the**
8 **secretary of state. The division of fire safety shall adopt rules necessary to implement the**
9 **grant program established pursuant to section 320.097. No rule or portion of a rule**
10 **promulgated pursuant to this section shall become effective unless it has been promulgated**
11 **pursuant to chapter 536, RSMo. Such rules shall contain, but shall not be limited to the**
12 **following criteria:**

13 **(1) The type of equipment requested by the fire department, fire protection district**
14 **or volunteer fire protection association;**

15 **(2) The urgency and importance of such equipment to a district or association;**

16 **(3) The cost of the equipment requested by the fire department, fire protection**
17 **district or volunteer fire protection association;**

18 **(4) The financial resources of the fire department, fire protection district or**
19 **volunteer fire protection association;**

20 **(5) Require the fire department, fire protection district or volunteer fire protection**
21 **association to use the most currently adopted fire incident report system when reporting**
22 **to the state fire marshal's office;**

23 **(6) Require the adoption and implementation of a minimum basic firefighter**
24 **training approved by the state fire marshal's office by fire departments, fire protection**
25 **districts or volunteer fire protection associations; and**

26 **(7) Require fire departments, fire protection districts or volunteer fire protection**
27 **associations to keep basic firefighter training records for auditing purposes.**

28 **2. All grant determinations made by the division of fire safety shall be final.**

29 **3. In order to qualify for training, education or grant money pursuant to sections**

30 **320.094 and 320.097, all fire departments, fire protection districts or volunteer fire**
31 **protection associations must comply with the provisions of section 320.271.**