

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 521

## 92ND GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES DETHROW, LeVOTA, WASSON, WILSON (119), KUESSNER, PURGASON, MUNZLINGER, EMERY, BRUNS, WILDBERGER (Co-sponsors), ANGST, HOBBS, ERVIN, BEAN, KINGERY, QUINN, BOUGH, MYERS, DUSENBERG, SEIGFREID, TOWNLEY, JETTON, KRATKY, BURNETT, YOUNG, RICHARD, RUESTMAN, VIEBROCK, STEVENSON, MAYER, PAGE, LIPKE (157), ENGLER, HUBBARD, STEFANICK, GUEST, LAGER, TAYLOR, CUNNINGHAM (145), SMITH (14), ICET, BLAND, JONES, WALSH, YAEGER, MERIDETH, SMITH (118), SANDER, BARNITZ AND WALLACE.

Read 1<sup>st</sup> time February 20, 2003, and copies ordered printed.

Read 2<sup>nd</sup> time February 24, 2003, and referred to the Committee on Local Government February 27, 2003.

Reported from the Committee on Local Government March 10, 2003, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 17, 2003.

STEPHEN S. DAVIS, Chief Clerk

1809L.01P

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### AN ACT

To repeal section 320.094, RSMo, and to enact in lieu thereof one new section relating to the Missouri Fire Education Trust Fund.

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

Section A. Section 320.094, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.094, to read as follows: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

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

9 the fire education fund at the end of any biennium shall not be transferred to the credit of the  
10 general revenue fund.

11 2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the  
12 immediately preceding fiscal year pursuant to sections 148.310 to 148.461, RSMo, which are  
13 deposited in the general revenue fund that exceeds the amount of premium taxes which were  
14 deposited in the general revenue fund in the 1997 fiscal year shall be transferred from the general  
15 revenue fund to the credit of the fire education fund. At the end of each fiscal year, the  
16 commissioner of administration shall determine the amount transferred to the credit of the fire  
17 education fund in each fiscal year by computing the premium taxes deposited in the general  
18 revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes  
19 deposited in the general revenue fund in the 1997 fiscal year. An amount equal to three percent  
20 of the increase computed pursuant to this section shall be transferred by the state treasurer to the  
21 credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one  
22 million five hundred thousand dollars.

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

45           4. The moneys in the fire education fund, after any distribution pursuant to subsection  
46 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training  
47 Institute and the institute shall use the moneys received under this subsection to coordinate  
48 education needs in cooperation with community colleges, colleges, regional training facilities,  
49 and universities of this state and shall provide training and continuing education to firefighters  
50 in this state relating to fire department operations and the personal safety of firefighters while  
51 performing fire department activities. Programs and activities funded under this subsection must  
52 be approved by the Missouri fire education commission established in subsection 5 of this  
53 section. These funds shall primarily be used to provide field education throughout the state, with  
54 not more than two percent of funds under this subsection expended on administrative costs.

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