

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
SENATE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 521

92ND GENERAL ASSEMBLY

1809S.02T

2003

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.

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Section A. Section 320.094, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.094, to read as follows: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, **and all moneys received from gifts, grants, or other moneys appropriated by the general assembly**, 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 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

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.

17 commissioner of administration shall determine the amount transferred to the credit of the fire
18 education fund in each fiscal year by computing the premium taxes deposited in the general
19 revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes
20 deposited in the general revenue fund in the 1997 fiscal year. An amount equal to three percent
21 of the increase computed pursuant to this section shall be transferred by the state treasurer to the
22 credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one
23 million five hundred thousand dollars.

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

46 4. The moneys in the fire education fund, after any distribution pursuant to subsection
47 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training
48 Institute and the institute shall use the moneys received under this subsection to coordinate
49 education needs in cooperation with community colleges, colleges, regional training facilities,
50 and universities of this state and shall provide training and continuing education to firefighters
51 in this state relating to fire department operations and the personal safety of firefighters while
52 performing fire department activities. Programs and activities funded under this subsection must

53 be approved by the Missouri fire education commission established in subsection 5 of this
54 section. These funds shall primarily be used to provide field education throughout the state, with
55 not more than two percent of funds under this subsection expended on administrative costs.

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