

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 521
92ND GENERAL ASSEMBLY

Reported from the Committee on Financial and Governmental Organization, Veterans', Affairs and Elections, April 7, 2003, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

TERRY L. SPIELER, Secretary.

1809S.02C

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Section A. Section 320.094, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.094, to read as follows: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

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

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

26 3. There is hereby established a special trust fund, to be known as the "Missouri
27 Fire Education Trust Fund", which shall consist of all moneys transferred to the fund
28 from the fire education fund pursuant to this subsection [and], any earnings resulting
29 from the investment of moneys in the fund, **and all moneys received from gifts,
30 grants, or other moneys appropriated by the general assembly.** Each fiscal year,
31 an amount equal to forty percent of the moneys transferred to the fire education fund
32 shall be transferred by the state treasurer to the credit of the Missouri fire education
33 trust fund. The fund shall be administered by a board of trustees, consisting of the state
34 treasurer, two members of the senate appointed by the president pro tem of the senate,
35 two members of the house of representatives appointed by the speaker of the house, and
36 two members appointed by the governor with the advice and consent of the senate. Any
37 member appointed due to such person's membership in the senate or house of
38 representatives shall serve only as long as such person holds the office referenced in this
39 section. The state treasurer shall invest moneys in the fund in a manner as provided
40 by law. Subject to appropriations, moneys in the fund shall be used solely for the
41 purposes described in this section, but such appropriations shall be made only if the
42 board recommends to the general assembly that such moneys are needed in that fiscal
43 year to adequately fund the activities described in this section. Moneys shall accumulate
44 in the trust fund until the earnings from investment of moneys in the fund can
45 adequately support the activities described in this section, as determined by the board. At
46 such time, the board may recommend that the general assembly adjust or eliminate the
47 funding mechanism described in this section. Notwithstanding the provisions of section
48 33.080, RSMo, to the contrary, moneys in the Missouri fire education trust fund at the
49 end of any biennium shall not be transferred to the credit of the general revenue fund.

50 4. The moneys in the fire education fund, after any distribution pursuant to
51 subsection 3 of this section, shall be distributed to the University of Missouri Fire &
52 Rescue Training Institute and the institute shall use the moneys received under this

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

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