

SECOND REGULAR SESSION

HOUSE BILL NO. 2326

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WALSH.

6081H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 320.094, 320.202, 650.277, and 701.377, RSMo, and to enact in lieu thereof four new sections relating to the division of fire safety.

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

Section A. Sections 320.094, 320.202, 650.277, and 701.377, RSMo, are repealed and
2 four new sections enacted in lieu thereof, to be known as sections 320.094, 320.202, 650.277,
3 and 701.377, to read as follows:

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

12 2. Beginning July 1, 1998, three percent of the amount of premium taxes collected in the
13 immediately preceding fiscal year pursuant to sections 148.310 to 148.461 which are deposited
14 in the general revenue fund that exceeds the amount of premium taxes which were deposited in
15 the general revenue fund in the 1997 fiscal year shall be transferred from the general revenue
16 fund to the credit of the fire education fund. At the end of each fiscal year, the commissioner of

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

17 administration shall determine the amount transferred to the credit of the fire education fund in
18 each fiscal year by computing the premium taxes deposited in the general revenue fund in the
19 prior fiscal year and comparing such amount to the amount of premium taxes deposited in the
20 general revenue fund in the 1997 fiscal year. An amount equal to three percent of the increase
21 computed pursuant to this section shall be transferred by the state treasurer to the credit of the
22 fire education fund; however, such transfer in any fiscal year shall not exceed one million five
23 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 collected per subsection 2 of this
26 section transferred to the fund from the fire education fund pursuant to this subsection, any
27 earnings resulting from the investment of moneys in the fund, and all moneys received from
28 gifts, grants, or other moneys appropriated by the general assembly. Each fiscal year, an amount
29 equal to forty percent of the moneys transferred to the fire education fund collected pursuant to
30 subsection 2 of this section shall be transferred by the state treasurer to the credit of the Missouri
31 fire education trust fund. The fund shall be administered by the Missouri fire safety
32 education/advisory commission. Subject to appropriations, moneys in the fund shall be used
33 solely for the purposes described in this section. Moneys shall accumulate in the trust fund until
34 the earnings from investment of moneys in the fund can adequately support the activities
35 described in this section, as determined by the commission. Notwithstanding the provisions of
36 section 33.080 to the contrary, moneys in the Missouri fire education trust fund at the end of any
37 biennium shall not be transferred to the credit of the general revenue fund.

38 4. The moneys in the fire education fund shall be appropriated to the division of fire
39 safety to coordinate education needs in cooperation with community colleges, colleges, regional
40 training facilities, fire and emergency services training entities and universities of this state and
41 shall provide training and continuing education to firefighters in this state relating to fire
42 department operations and the personal safety of firefighters while performing fire department
43 activities. Programs and activities funded under this subsection shall be approved by the
44 Missouri fire safety education/advisory commission established in subsection 5 of this section.
45 These funds shall primarily be used to provide field education throughout the state~~[-with not
46 more than two percent of funds under this subsection expended on administrative costs].~~

47 5. There is established the "Missouri Fire Safety Education/Advisory Commission", to
48 be domiciled in the division of fire safety within the department of public safety. The
49 commission shall be composed of nine members appointed by the governor with the advice and
50 consent of the senate, consisting of two firefighters, with one serving as a volunteer of a
51 recognized fire department and one serving as a full-time firefighter employed by a recognized
52 fire department, two members shall be fire service training officers, one member shall be a

53 person with expertise in fire investigation, one member shall be an insurer licensed to provide
54 insurance coverage for losses due to fire, one member who provides fire safety appliances or
55 equipment, one member who is serving as the chief of a recognized volunteer fire department,
56 and one member serving as the full-time chief of a recognized paid fire department. No more
57 than five members appointed by the governor shall be of the same political party. The terms of
58 office for the members appointed by the governor shall be four years and until their successors
59 are selected and qualified, except that, of those first appointed, two shall have a term of four
60 years, two shall have a term of three years and one shall have a term of two years. There is no
61 limitation on the number of terms an appointed member may serve. The governor may appoint
62 a member for the remaining portion of the unexpired term created by a vacancy. The governor
63 may remove any appointed member for cause. The members shall at their initial meeting select
64 a chair. All members of the commission shall serve without compensation for their duties, but
65 shall be reimbursed for necessary travel and other expenses incurred in the performance of their
66 official duties. The commission shall meet at least quarterly at the call of the chair and shall
67 review and determine appropriate programs and activities for which funds may be expended
68 under subsection 4 of this section.

320.202. 1. There is hereby established within the department of public safety a
2 "Division of Fire Safety", which shall have as its chief executive officer the fire marshal
3 appointed under section 320.205. The fire marshal and the division shall be responsible for:

4 (1) The voluntary training of firefighters, investigators, inspectors, and public or private
5 employees or volunteers in the field of emergency response, rescue, fire prevention or
6 preparedness;

7 (2) Establishing and maintaining a statewide reporting system, which shall, as a
8 minimum, include the records required by section 320.235 and a record of all fires occurring in
9 Missouri showing:

10 (a) The name of all owners of personal and real property affected by the fire;

11 (b) The name of each occupant of each building in which a fire occurred;

12 (c) The total amount of insurance carried by, the total amount of insurance collected by,
13 and the total amount of loss to each owner of property affected by the fire; and

14 (d) All the facts, statistics and circumstances, including, but not limited to, the origin of
15 the fire, which are or may be determined by any investigation conducted by the division or any
16 local firefighting agency under the laws of this state. All records maintained under this
17 subdivision shall be open to public inspections during all normal business hours of the division;

18 (3) Conducting all investigations of fires mandated by sections 320.200 to 320.270;

19 (4) Conducting all fire inspections required of any private premises in order for any
20 license relating to such private premises to be issued under any licensing law of this state, except
21 those organizations and institutions licensed pursuant to chapter 197;

22 (5) Establishing and maintaining a voluntary training and certification program based
23 upon nationally recognized standards. A certification testing fee and recertification fee shall be
24 established by promulgated rules and regulations by the state fire marshal under the provisions
25 of section 536.024. Fees collected shall be deposited into the ~~[general revenue]~~ **fire education**
26 fund.

27 2. The state fire marshal shall exercise and perform all powers and duties necessary to
28 carry out the responsibilities imposed by subsection 1 of this section, including, but not limited
29 to, the power to contract with any person, firm, corporation, state agency, or political subdivision
30 for services necessary to accomplish any of the responsibilities imposed by subsection 1 of this
31 section.

32 3. The state fire marshal shall have the authority to promulgate rules and regulations
33 under the provisions of section 536.024 to carry out the provisions of this section.

650.277. 1. As otherwise provided by sections 650.200 to 650.295, the boiler and
2 pressure vessel board shall set fees for inspection, permits, licenses, and certificates required by
3 sections 650.200 to 650.295. Fees shall be determined by the board to provide sufficient funds
4 for the operation of the board and shall be set by rule or regulation promulgated in accordance
5 with the provisions of section 536.021. The board may alter the fee schedule once every two
6 years. Any funds collected pursuant to sections 650.200 to 650.295 shall be deposited in the
7 "Boiler and Pressure Vessels Safety Fund", which is hereby created. Beginning July 1, 2003,
8 moneys in the fund shall be appropriated from the fund for the ~~[expenses of the board]~~
9 **enforcement and regulatory functions of the division**. A municipality or other political
10 subdivision enforcing the provisions of sections 650.200 to 650.295 and which performs the
11 inspections, permitting, licensing, and certification as required, the fee for such inspection shall
12 be paid directly to the municipality or political subdivision and shall not be preempted by
13 sections 650.200 to 650.295, except that any fee established by the board for the issuance of
14 appropriate state certificates shall be paid to the board.

15 2. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
16 under the authority delegated in this section or under the authority of sections 650.210 to 650.275
17 shall become effective only if it complies with and is subject to all of the provisions of chapter
18 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any
19 of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the
20 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the

21 grant of rulemaking authority and any rule proposed or adopted after August 28, 2002, shall be
22 invalid and void.

701.377. As otherwise provided by sections 701.350 to 701.380, the elevator safety
2 board shall set fees for inspection, permits, licenses, certificates, and plan review required by the
3 provisions of sections 701.350 to 701.380. Fees shall be determined by the elevator safety board
4 to provide sufficient funds for the operation of the board, except that no fee for the certificate
5 shall exceed twenty-five dollars. The elevator safety board may alter the fee schedule once each
6 year. Any funds collected pursuant to sections 701.350 to 701.380 and sections 316.200 to
7 316.237 shall be deposited in the "Elevator Safety Fund" which is hereby created. Moneys shall
8 be appropriated from the fund for the ~~[expense and functions of the elevator safety and~~
9 ~~amusement ride safety boards. Any unexpended funds in the elevator safety fund at the close of~~
10 ~~the biennium shall revert to the general revenue as required by section 33.080]~~ **enforcement and**
11 **regulatory functions of the division.** A municipality or other political subdivision enforcing
12 the provisions of sections 701.350 to 701.380 under the provisions of subsection 2 of section
13 701.365 and which performs the plan review, permitting, inspections, and certifications as
14 required, the fee for that inspection shall be paid directly to the municipality or political
15 subdivision and shall not be preempted by sections 701.350 to 701.380, except that any fee
16 established by the elevator safety board for the issuance of appropriate state certificates shall be
17 paid to the elevator safety board.

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