

FIRST REGULAR SESSION
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 289
101ST GENERAL ASSEMBLY

1321H.08F

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 287.245, 320.300, 537.620, and 590.030, RSMo, and to enact in lieu thereof five new sections relating to public safety employees.

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

Section A. Sections 287.245, 320.300, 537.620, and 590.030, RSMo, are repealed and
2 five new sections enacted in lieu thereof, to be known as sections 287.245, 320.300, 320.400,
3 537.620, and 590.030, to read as follows:

287.245. 1. As used in this section, the following terms shall mean:

- 2 (1) "Association", volunteer fire protection associations as defined in section 320.300;
3 (2) "State fire marshal", the state fire marshal selected under the provisions of sections
4 320.200 to 320.270;
5 (3) "Volunteer firefighter", the same meaning as in section 287.243;
6 **(4) "Voluntary firefighter cancer benefits pool" or "pool", the same meaning as in**
7 **section 320.400.**

8 2. **(1)** Any association may apply to the state fire marshal for a grant for the purpose of
9 funding such association's costs related to workers' compensation insurance premiums for
10 volunteer firefighters.

11 **(2) Any voluntary firefighter cancer benefits pool may apply to the state fire**
12 **marshal for a grant for the purpose of establishing a voluntary firefighter cancer benefits**
13 **pool. This subdivision shall expire June 30, 2023.**

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.

14 3. Subject to appropriations, the state fire marshal shall disburse grants to each
15 ~~[applying]~~ **qualifying** volunteer fire protection **district or** association according to the following
16 schedule:

17 (1) Associations which had zero to five volunteer firefighters receive workers'
18 compensation benefits from claims arising out of and in the course of the prevention or control
19 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
20 eligible for two thousand dollars in grant money;

21 (2) Associations which had six to ten volunteer firefighters receive workers'
22 compensation benefits from claims arising out of and in the course of the prevention or control
23 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
24 eligible for one thousand five hundred dollars in grant money;

25 (3) Associations which had eleven to fifteen volunteer firefighters receive workers'
26 compensation benefits from claims arising out of and in the course of the prevention or control
27 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
28 eligible for one thousand dollars in grant money;

29 (4) Associations which had sixteen to twenty volunteer firefighters receive workers'
30 compensation benefits from claims arising out of and in the course of the prevention or control
31 of fire or the underwater recovery of drowning victims in the preceding calendar year shall be
32 eligible for five hundred dollars in grant money.

33 4. Grant money disbursed under this section shall only be used for the purpose of paying
34 for the workers' compensation insurance premiums of volunteer firefighters **or establishing a**
35 **voluntary firefighter cancer benefits pool.**

 320.300. As used in sections 320.300 to 320.310, the phrase "volunteer fire protection
2 association" means any fire department, including a municipal fire department, which is staffed
3 by volunteers and organized for the purpose of combating fires in a specified area. The
4 provisions of sections 320.300 to 320.310 shall apply only to volunteer fire protection
5 associations either partially or wholly funded by membership or subscriber fees ~~[and shall not~~
6 ~~apply to fire protection districts supported by local tax revenues, or which have contracted with~~
7 ~~a political subdivision to respond to fires within the area of an association's boundaries].~~

320.400. 1. For purposes of this section, the following terms mean:

2 **(1) "Covered individual", a firefighter who:**

3 **(a) Is a paid employee or is a volunteer firefighter as defined in section 320.333;**

4 **(b) Has been assigned to at least five years of hazardous duty as a firefighter;**

5 **(c) Was exposed to an agent classified by the International Agency for Research on**
6 **Cancer, or its successor organization, as a group 1 or 2A carcinogen or classified as a**
7 **cancer causing agent by the American Cancer Society, the American Association for**

8 Cancer Research, the Agency for Health Care Policy and Research, the American Society
9 for Clinical Oncology, the National Institute for Occupational Safety and Health, or the
10 United States National Cancer Institute;

11 (d) Was last assigned to hazardous duty as a firefighter within the previous fifteen
12 years; and

13 (e) Is not seventy years of age or older at the time of the diagnosis of cancer;

14 (2) "Dependent", the same meaning as in section 287.240;

15 (3) "Employer", any political subdivision of the state;

16 (4) "Voluntary firefighter cancer benefits pool" or "pool", an entity described in
17 section 537.620 that is established for the purposes of this section.

18 2. (1) Three or more employers may create a voluntary firefighter cancer benefits
19 pool for the purpose of this section. An employer may make contributions into the
20 voluntary firefighter cancer benefits pool established for the purpose of this section. The
21 contribution levels and award levels shall be set by the board of trustees of the pool.

22 (2) For an employer that chooses to make contributions into the voluntary
23 firefighter cancer benefits pool, the pool shall provide the minimum benefits specified by
24 the board of trustees of the pool to covered individuals, based on the award level of the
25 cancer at the time of diagnosis, after the employer becomes a participant.

26 (3) A covered individual who is receiving payments from the pool and is
27 undergoing medical treatment shall not lose any employment or benefit due to the fact that
28 the individual is receiving payments from the pool and is undergoing medical treatment.

29 (4) Benefit levels shall be established by the board of trustees of the pool based on
30 the category and stage of the cancer.

31 (5) In addition to an award under subdivision (4) of this subsection:

32 (a) A payment may be made from the pool to a covered individual for the actual
33 award, up to twenty-five thousand dollars, for rehabilitative or vocational training
34 employment services and educational training relating to the cancer diagnosis; or

35 (b) A payment may be made to a covered individual of up to ten thousand dollars
36 if the covered individual incurs cosmetic disfigurement costs resulting from cancer.

37 (6) If the cancer is diagnosed as terminal cancer, the covered individual may receive
38 a lump-sum payment of twenty-five thousand dollars as an accelerated payment toward
39 the benefits due based on the benefit levels established under subdivision (4) of this
40 subsection.

41 (7) The covered individual may receive additional awards if the cancer increases
42 in award level, but the amount of any benefit paid earlier for the same cancer may be
43 subtracted from the new award.

(8) If a covered individual dies while owed benefits pursuant to this section, the benefits shall be paid to the dependent or domestic partner, if any, at the time of death. If there is no dependent or domestic partner, the obligation of the pool to pay benefits shall cease.

(9) If a covered individual returns to the same position of employment after a cancer diagnosis, the covered individual may receive benefits in this section for any subsequent new type of covered cancer diagnosis.

(10) The benefits payable pursuant to this section shall be reduced by twenty-five percent if a covered individual used a tobacco product within the five years immediately preceding the cancer diagnosis.

(11) A claim for benefits from the pool shall be filed no later than two years after the diagnosis of the cancer. The claim for each type of cancer needs to be filed only once to allow the pool to increase the award level under subdivision (4) of this subsection.

(12) For purposes of all other employment policies and benefits that are not workers' compensation benefits payable under chapter 287, health insurance, and any benefits paid under chapter 208, a covered individual's cancer diagnosis shall be treated as an on-the-job injury or illness.

3. The board of trustees of the pool may:

(1) Create a program description to further define or modify the benefits of this section;

(2) Modify the contribution rates; benefit levels, including the maximum amount, consistent with subdivision (1) of this subsection; and structure of the benefits based on actuarial recommendations and with input from a committee of the pool; and

(3) Set a maximum amount of benefits that may be paid to a covered individual for each cancer diagnosis.

4. The board of trustees of the pool shall be considered a public governmental body and shall be subject to all of the provisions of chapter 610.

5. A pool may accept or apply for any grants or donations from any private or public source.

6. (1) Any pool may apply to the state fire marshal for a grant for the purpose of establishing a voluntary firefighter cancer benefits pool. The state fire marshal shall disburse grants to the pool upon receipt of the application.

(2) The state fire marshal may grant moneys disbursed under section 287.245 to be used for the purpose of setting up a pool.

(3) This subsection shall expire on June 30, 2023.

79 **7. (1) This subsection shall not affect any determination as to whether a covered**
80 **individual's cancer arose out of and in the course of employment and is a compensable**
81 **injury under chapter 287. Receipt of benefits from the pool under this section shall not be**
82 **considered competent evidence or proof by itself of a compensable injury under chapter**
83 **287.**

84 **(2) Should it be determined that a covered individual's cancer arose out of and in**
85 **the course of employment and is a compensable injury under chapter 287, the**
86 **compensation and death benefit provided under chapter 287 shall be reduced one hundred**
87 **percent by any benefits received from the pool under this section.**

88 **(3) The employer in any claim made under chapter 287 shall be subrogated to the**
89 **right of the employee or to the dependent or domestic partner to receive benefits from the**
90 **pool and such employer may recover any amounts that such employee or the dependent or**
91 **domestic partner would have been entitled to recover from the pool under this section.**
92 **Any receipt of benefits from the pool under this section shall be treated as an advance**
93 **payment by the employer, on account of any future installments of benefits payable under**
94 **chapter 287.**

 537.620. Notwithstanding any direct or implied prohibitions in chapter 375, 377, or 379,
2 any three or more political subdivisions of this state may form a business entity for the purpose
3 **described in section 320.400 or for the purpose** of providing liability and all other insurance,
4 including insurance for elderly or low-income housing in which the political subdivision has an
5 insurable interest, for any of the subdivisions upon the assessment plan as provided in sections
6 537.600 to 537.650. Any public governmental body or quasi-public governmental body, as
7 defined in section 610.010, and any political subdivision of this state or any other state may join
8 this entity and use public funds to pay any necessary assessments. Except for being subject to
9 the regulation of the director of the department of commerce and insurance under sections
10 375.930 to 375.948, sections 375.1000 to 375.1018, and sections 537.600 to 537.650, any such
11 business entity shall not be deemed to be an insurance company or insurer under the laws of this
12 state, and the coverage provided by such entity and the administration of such entity shall not be
13 deemed to constitute the transaction of an insurance business. Risk coverages procured under
14 this section shall not be deemed to constitute a contract, purchase, or expenditure of public funds
15 for which a public governmental body, quasi-public governmental body, or political subdivision
16 is required to solicit competitive bids.

 590.030. 1. The POST commission shall establish minimum standards for the basic
2 training of peace officers. Such standards may vary for each class of license established pursuant
3 to subsection 2 of section 590.020.

2. The director shall establish minimum age, citizenship, and general education requirements and may require a qualifying score on a certification examination as conditions of eligibility for a peace officer license. Such general education requirements shall require completion of a high school program of education under chapter 167 or obtainment of a General Educational Development (GED) certificate.

3. The director shall provide for the licensure, with or without additional basic training, of peace officers possessing credentials by other states or jurisdictions, including federal and military law enforcement officers.

4. The director shall establish a procedure for obtaining a peace officer license and shall issue the proper license when the requirements of this chapter have been met.

5. As conditions of licensure, all licensed peace officers shall:

(1) Obtain continuing law enforcement education pursuant to rules to be promulgated by the POST commission; ~~and~~

(2) Maintain a current address of record on file with the director; and

(3) Submit to being fingerprinted on or before January 1, 2022, and at any time a peace officer is commissioned with a different law enforcement agency, for the purpose of a criminal history background check and enrollment in the state and federal Rap Back programs, under section 43.540. The criminal history background check shall include the records of the Federal Bureau of Investigation. The resulting report shall be forwarded to the officer's commissioning law enforcement agency at the time of enrollment and Rap Back enrollment shall be for the purpose of the requirements of subsection 3 of section 590.070 and subsection 2 of section 590.118. An officer shall take all necessary steps to maintain enrollment in Rap Back at all law enforcement agencies where the officer is commissioned for as long as the officer is commissioned with that agency.

6. A peace officer license shall automatically expire if the licensee fails to hold a commission as a peace officer for a period of five consecutive years, provided that the POST commission shall provide for the relicensure of such persons and may require retraining as a condition of eligibility for relicensure, and provided that the director may provide for the continuing licensure, subject to restrictions, of persons who hold and exercise a law enforcement commission requiring a peace officer license but not meeting the definition of a peace officer pursuant to this chapter.

7. All law enforcement agencies shall enroll in the state and federal Rap Back programs on or before January 1, 2022, and continue to remain enrolled. The law enforcement agency shall take all necessary steps to maintain officer enrollment for all officers commissioned with that agency in the Rap Back programs. An officer shall submit

39 **to being fingerprinted at any law enforcement agency upon commissioning and for as long**
40 **as the officer is commissioned with that agency.**

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