

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0499H.011
Bill No.: HB 155
Subject: Fire Protection; Employees - Employers
Type: Original
Date: February 17, 2025

Bill Summary: This proposal establishes the "Firefighters' Procedural Bill of Rights Act".

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on FTE	0	0	0

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Local Government	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Attorney General’s Office**, the **Department of Commerce and Insurance**, the **Department of Public Safety - Fire Safety**, the **Department of Public Safety – Highway Patrol**, the **Department of Public Safety – Directors Office**, the **Department of Public Safety – Capital Police** each assume the proposal will have no fiscal impact on their respective organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for above agencies.

Officials from the **City of Kansas City** assume the proposed legislation could have a negative fiscal impact in an indeterminate amount if it subjects the city to increased litigation and thereby the costs of litigation.

Oversight notes the Kansas City Fire Department (KCFD), according to the latest provided KCFD statistics, had 1,260 firefighters responding to the various incidents from 2017-2021 as follow:

KCFD 2021 Annual report – p. 18

	2017	2018	2019	2020	2021
Fire	1918	2459	2129	2408	2,073
Overpressure/rupture /explosion	44	32	119	146	79
Rescue & EMS	95,713	95,713	97,752	90,218	87,605
Service Call	11,681	14,447	8516	7886	8,405
Good Intent Call	5822	6097	12,994	11,684	13,347
False Alarm	1724	1545	4188	4,048	4,765
Severe Weather	8	30	227	4	13
Special Incident	218	206	223	683	340
Total Calls	117,128	120,619	126,223	117,077	118,384

Source: <https://www.kcmo.gov/city-hall/departments/fire>

Oversight notes it is unknown how many such lawsuits will be submitted in future; however, given the amount of calls and number of fire personnel serving each year, it is possible; the City of Kansas City would incur additional expenditure when defending their employees in various lawsuits. Therefore, Oversight will note unknown direct impact to the local political governments beginning FY 2025.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT –Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost – 320.500 – 320.528 – increased litigation</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>

FISCAL IMPACT – Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This bill establishes the "Firefighters' Procedural Bill of Rights Act". The bill defines a "firefighter" to include a volunteer firefighter and "punitive action" as any action that may lead to any type of punishment.

In its main provisions, this bill:

- (1) Specifies that, when on duty or in uniform, a firefighter cannot be prohibited from engaging, or be coerced or required to engage, in political activity;
- (2) Specifies that firefighters cannot be prohibited from seeking election to the governing board of a school district or any local agency where the firefighter is not currently employed;
- (3) Creates several provisions for how interrogations must be conducted when any firefighter is under investigation by their commanding officer or any other member designated by the employing department or licensing or certifying agency, each of which are specified in the bill;

(4) Specifies that firefighters must not be subjected to any punitive action, denied promotion, or threatened with such treatment, as a result of the lawful exercise of rights granted to them under this bill. Punitive action or promotion denial on grounds other than merit must not be undertaken by any employing department, licensing or certifying agency against any firefighter who has completed the probationary period without providing them an opportunity for administrative appeal;

(5) Prohibits a fire chief from being removed by a public agency or appointing authority without being provided written notice, the reason behind the removal, and an opportunity for administrative appeal. Punitive action, or denial of promotion on grounds besides merit cannot be undertaken for any act, omission, or other allegation of misconduct if the investigation of the allegation is not completed within one year of discovery by the employing fire department or licensing or certifying agency. This limitation applies only if discovery of said act, omission, or allegation occurred on or after August 28, 2025. If the employing department or licensing or certifying agency determines that discipline may be taken, it must complete its investigation and notify the firefighter of the proposed disciplinary action within that year, except in the circumstances specified within the bill. If, after the investigation and any pre-disciplinary response or procedure is complete, the employing department or agency decides to impose discipline, it must notify the firefighter in writing of its decision within 30 days of reaching its decision, but not less than 48 hours before imposing the discipline;

(6) Creates provisions for the reopening of an investigation against a firefighter, provided that the conditions specified within the bill are met;

(7) Requires any administrative appeal instituted by a firefighter to be conducted in accordance with rules and procedures that are adopted by their employing department or licensing or certifying agency in accordance with Chapter 536, RSMo. If the employing department is subject to a memorandum of understanding that provides for binding arbitration of administrative appeals, the arbitrator or panel will serve as the hearing officer and their decision will be binding. However, if a memo of understanding was negotiated with an employing agency, it will not control the process for administrative appeals instituted with licensing or certifying agencies;

(8) Prohibits a firefighter from having comments adverse to their interests entered into their personnel file without having first read the instrument containing the comment and signed indicating their awareness; the entry may be made regardless of whether the firefighter refuses to sign. Their refusal to sign will be noted on the document, and signed or initialed by the refusing firefighter. The firefighter has 30 days to file a written response to any adverse comment entered in their file, which will be attached to, and accompany, the adverse comment. Additionally, every employer must, within reason and upon the request of a firefighter, allow them to inspect personnel files that are or have been used to determine the firefighter's qualification for employment, promotion, additional compensation, termination, or other disciplinary action. If the firefighter believes after examination of their personnel file that any portion of the material therein is mistakenly or unlawfully placed within the file, they may request in writing that it be corrected or deleted. Any request made pursuant to this provision must include a statement by

the firefighter describing the corrections or deletions requested, and the reasons supporting those corrections or deletions. The employer has 30 calendar days of receipt to grant the request or notify, in writing, the reasons for refusing the request, all of which will become part of the officer's personnel file.

(9) Requires that no firefighter can be compelled to submit to a lie detector test against his or her will, nor should he or she be disciplined in any way for refusing to submit to a lie detector test, and no comment will be entered in the firefighter's personnel file for refusing to submit;

(10) Specifies that, for the purposes of the job assignment or other personnel action, a firefighter will not be required to disclose any item of their property, income, assets, debts, sources of income, or personal or domestic expenditures, unless required to be furnished under State law or pursuant to a court order; and

(11) Prohibits anyone from searching any firefighter's locker or otherwise assigned storage space owned or leased by the employer, except in their presence and with their consent, or unless a valid search warrant has been obtained, or unless they have been notified that a search will be conducted.

It is unlawful for any employing department or licensing or certifying agency to deny or refuse to any firefighter the rights and protections associated with this bill. The circuit court of the county of proper venue possesses initial jurisdiction over any proceeding brought by any firefighter against any employing department or licensing or certifying agency for violations of these provisions. If the court finds a violation has occurred, it must render appropriate extraordinary or injunctive relief to remedy the violation and prevent future occurrences of a similar nature. If the court finds that a bad faith or frivolous action or filing has been brought for an improper purpose, the court may order sanctions against the filing party, their attorney, or both.

In addition to the aforementioned extraordinary relief afforded by the provisions of this bill, upon a court's finding that a fire department, its employees, agents, or assigns, have maliciously violated any provisions mentioned within the bill with the intent to injure the firefighter, the fire department will be, for each violation, liable for a civil penalty up to \$25,000, to be awarded to the firefighter whose right or protection was denied, and for reasonable attorney's fees as may be so determined by the court. If there is sufficient evidence that actual damages occurred against the firefighter in question, the department will also be liable for the amount of the actual damages.

A fire department will not be required to indemnify a contractor for their liability under this provision if, within the contract between the department and the contractor, a hold harmless or similar provision protecting the fire department from liability for actions of the contractor.

Nothing throughout this bill can be construed, in any way, to limit the ability of any employment department, licensing or certifying agency, or any firefighter to fulfill mutual aid agreements with other jurisdictions or agencies, and the provisions of this bill cannot be construed in any way

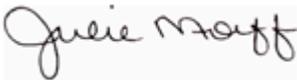
to limit any kind of jurisdictional or inter-agency cooperation under any circumstances where that activity is deemed necessary or desirable by those jurisdictions or agencies so involved.

All rights and protections expressed in the provisions of this bill will only apply to firefighters in events and circumstances in which they are performing their official duties.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Department of Public Safety – Fire Safety
Department of Public Safety – Director's Office
Department of Public Safety – Highway Patrol
Department of Public Safety – Capital Police
Department of Commerce and Insurance
City of Kansas City



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February 17, 2025



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