

FIRST REGULAR SESSION

SENATE BILL NO. 604

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR JACOB.

Read 1st time February 28, 2001, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

113S.031

AN ACT

To repeal sections 320.091 and 320.094, RSMo 2000, relating to fire protection, and to enact in lieu thereof three new sections relating to the same subject.

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

Section A. Sections 320.091 and 320.094, RSMo 2000, are repealed and three new sections enacted in lieu thereof, to be known as sections 144.818, 320.091 and 320.094, to read as follows:

144.818. The revenue derived from the rate of one-half of one percent on the dollar of all retail sales of consumer and special fireworks as defined in section 320.106, RSMo, imposed by sections 144.010 to 144.430 and sections 144.600 to 144.745 shall be deemed to be local tax revenue and shall be deposited by the state treasurer into the fire district equipment fund pursuant to subsection 6 of section 320.094, RSMo. The money in the fund shall be distributed to the fire protection districts and volunteer fire protection associations pursuant to section 320.094, RSMo, and shall be appropriated and used for no other purpose; except that, of all refunds made of taxes collected pursuant to the provisions of sections 144.010 to 144.430 and sections 144.600 to 144.745, the appropriate percentage of any refund shall be paid from the fire district equipment fund and except that the state may retain a fee as a charge for collecting and disbursing moneys so deposited, and transfers may be made from the fund pursuant to section 320.094, RSMo. The state collection fee shall not exceed one percent of the amount deposited in the fund. The fee shall be set annually through the appropriation process.

320.091. There shall be no cause of action against any fire protection district, volunteer fire protection association, or any fire department of any political subdivision which donates [used

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

personal protection] equipment [and] **used to suppress fire or** fire protection clothing to another department, association or district if **the following conditions are met:**

(1) Such equipment is approved by the state fire marshal or [his] **the state fire marshal's** designee;

(2) **Motor vehicles so donated must pass a safety inspection by the Missouri state highway patrol;**

(3) **The receiving agency demonstrates to the state fire marshal's office that the equipment received works properly; and**

(4) **The donor agency informs the receiving agency of any defects in the equipment about which it knows.**

This immunity shall apply only to causes of action directly related to the equipment mentioned [herein] **in this section.**

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 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] **2002, five-tenths of one** 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 commissioner of administration shall determine the amount transferred to the credit of the fire education fund in each fiscal year by computing the premium taxes deposited in the general revenue fund in the prior fiscal year and comparing such amount to the amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year.] An amount equal to [three] **five-tenths of one** percent [of the increase] computed pursuant to this section shall be transferred by the state treasurer to the credit of the fire education fund; however, such transfer in any fiscal year shall not exceed one million five hundred thousand dollars; **provided, however, that each fiscal year the first three hundred thousand dollars transferred to the Missouri fire education fund shall be utilized for fire education. The next five hundred thousand dollars shall be transferred into the fire district equipment fund pursuant to**

subsection 6 of this section. Any additional funds within the limit of one million five hundred thousand dollars as provided in this section shall be deposited into the Missouri fire education fund for fire education purposes.

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

4. The moneys in the fire education fund, after any distribution pursuant to subsection 3 of this section, shall be distributed to the University of Missouri Fire & Rescue Training Institute and the institute shall use the moneys received under this subsection to coordinate education needs in cooperation with community colleges, colleges, regional training facilities, and universities of this state and shall provide training and continuing education to firefighters in this state relating to fire department operations and the personal safety of firefighters while performing fire department activities. Programs and activities funded under this subsection must be approved by the Missouri fire education commission established in subsection 5 of this section. These funds shall primarily be used to provide field education throughout the state, with not more than two percent of funds under this subsection expended on administrative costs.

5. There is established the "Missouri Fire Education Commission", to be domiciled in the division of fire safety within the department of public safety. The commission shall be composed of five members appointed by the governor with the advice and consent of the senate, consisting

of one firefighter serving as a volunteer of a volunteer fire protection association, one full-time firefighter employed by a recognized fire department or fire protection district, one firefighter training officer, one person serving as the chief of a volunteer fire protection association, and one chief fire officer from a recognized fire department or fire protection district. No more than three members appointed by the governor shall be of the same political party. The terms of office for the members appointed by the governor shall be four years and until their successors are selected and qualified, except that, of those first appointed, two shall have a term of four years, two shall have a term of three years and one shall have a term of two years. There is no limitation on the number of terms an appointed member may serve. The governor may appoint a member for the remaining portion of the unexpired term created by a vacancy. The governor may remove any appointed member for cause. The members shall at their initial meeting select a chairman. All members of the commission shall serve without compensation for their duties, but shall be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. The commission shall meet at least quarterly at the call of the chairman and shall review and determine appropriate programs and activities for which funds may be expended under subsection 4 of this section.

6. (1) There is hereby created a fund in the state treasury, to be known as the "Fire District Equipment Fund", which shall be maintained and accounted for separately, and which shall consist of all moneys transferred pursuant to subsection 2 of this section, moneys collected pursuant to section 144.818, RSMo, and moneys from all lawful public and private sources. Any interest earned from investment of moneys in the fund shall be credited to the fund. The state treasurer shall administer the fund, and 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 district equipment fund at the end of any biennium shall not be transferred to the credit of the general revenue fund. Moneys in the fire district equipment fund shall be used to provide funds to fire protection districts and volunteer fire protection associations serving an area having a population of less than ten thousand. Moneys in the fire district equipment fund may be used only for purposes as are authorized by the division of fire safety with approval of the Missouri fire education commission.

(2) The Missouri fire education commission shall annually prepare an intended use plan for the funds available in the fire district equipment fund.

(3) The division of fire safety with approval by the Missouri fire education commission may make direct grants to aid in purchasing fire equipment by any fire protection district or volunteer fire protection association as defined in section 320.300 serving an area with a population of less than ten thousand. Such grants may be made

to supplement funds from loan proceeds or other private or public sources.

(4) Fire protection districts and volunteer fire protection associations shall apply with the division of fire safety for a grant. The division of fire safety shall make the necessary rules and regulations for the consideration and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies. The division of fire safety shall adopt rules necessary to implement the grant program established pursuant to this subsection. No rule or portion of a rule promulgated pursuant to this section shall become effective unless it has been promulgated pursuant to chapter 536, RSMo. Such rules shall contain, but shall not be limited to the following criteria:

(a) The type of equipment requested by the fire protection district or volunteer fire protection association;

(b) The urgency and importance of such equipment to a district or association;

(c) The cost of the equipment requested by the fire district or volunteer fire protection association; and

(d) The financial resources of the fire district or volunteer fire protection association.

(5) All grant determinations made by the division of fire safety shall be final.

Unofficial
Bill
T

Copy