

FIRST REGULAR SESSION

# SENATE BILL NO. 17

92ND GENERAL ASSEMBLY

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INTRODUCED BY SENATOR CHILDERS.

Pre-filed December 1, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

0206S.011

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## AN ACT

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

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

Section A. Section 320.094, RSMo, is repealed and three new sections enacted in lieu thereof, to be known as sections 320.094, 320.097 and 320.098, to read as follows: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] Safety Fund". **Any moneys remaining in the fire education fund as of August 28, 2003, shall be transferred to the credit of the fire safety fund.** Any interest earned from investment of moneys in the fund shall be credited to the fund. The state treasurer shall [administer the fund] **invest the moneys in the fund in a manner as provided by law**, 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] **safety** 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] **2004, 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

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

be transferred from the general revenue fund to the credit of the fire [education] **safety fund which shall be administered by the Missouri fire safety commission. The funds shall be divided as follows:**

**(1) Forty percent of the money transferred shall be deposited into the fire safety grants fund, created pursuant to section 320.097;**

**(2) Twenty percent of the money transferred shall be used to fund fire education programs as determined by the Missouri fire safety commission;**

**(3) The remaining funds shall be used at the discretion of the Missouri fire safety commission and shall be used to fund the fire consultant positions created pursuant to this section. No more than five percent of such funds shall be used for administration purposes.** [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 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.]

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] Safety Commission**", to be domiciled in the division of fire safety within the department of public safety. The commission shall be composed of **the state fire marshal, the state forester as defined pursuant to section 254.020, RSMo, and 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 **and no more than one member shall be appointed from any single congressional district**. 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] two** 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]**. **Any action by the commission shall require an affirmative vote of four or more members.**

4. **The division of fire safety within the department of public safety shall hire**

fire consultants not to exceed five FTEs who shall work with fire departments to improve fire protection. The fire consultants shall assist in: implementation of master fire plans, ISO (insurance services office) rating reductions, increased capacity for first responder and rescue activities, water source development, training and record keeping, incident response documentation, field liaison with state fire marshal's office, and coordination of local, private, state and federal grant making. The fire consultants shall be employees of the division of fire safety within the department of public safety and shall be funded from the fire safety fund. The fire consultants shall work in regions geographically dispersed throughout the state in areas to be determined by the Missouri fire safety commission.

320.097. 1. There is hereby established, the "Fire Safety Grants Fund", which shall be maintained and accounted for separately, and which shall consist of all moneys transferred pursuant to subsection 2 of section 320.094 and moneys from all lawful public and private sources. Moneys in the fund shall be used to provide funds to fire districts, departments, or associations serving an area having a population of less than ten thousand. Moneys in the fund may be used only for purposes authorized by the Missouri fire safety commission.

2. The fire safety commission shall annually prepare an intended use plan for the moneys available in the fund.

3. The fire safety commission may make direct grants from the fire safety grants fund to aid in funding equipment, protective gear, water source development, training, communications and station costs of any fire department, district, or association serving a population of less than ten thousand. The grants may be made to supplement funds from loan proceeds or other private or public sources. Grants may be used to match federal matching grant programs.

320.098. 1. Fire departments, districts, or associations serving an area having a population of less than ten thousand shall apply with the fire safety commission for a grant pursuant to section 320.097. The fire safety commission shall promulgate rules and regulations necessary for the consideration, implementation, and processing of all grant requests, which shall generally conform to those used by federal grant and loan agencies. Such rules shall contain, but shall not be limited to, the following criteria:

- (1) The detailed list of expenditures for the grant requested by the fire department, fire protection district or volunteer fire protection association;
- (2) The urgency and importance of such request to a district or association;
- (3) The cost of the request by the fire department, fire protection district or volunteer fire protection association;

(4) The financial resources of the fire department, fire protection district or volunteer fire protection association;

(5) Require the fire department, fire protection district or volunteer fire protection association to use the most currently adopted fire incident report system when reporting to the state fire marshal's office;

(6) Require the adoption and implementation of a minimum basic firefighter training approved by the state fire marshal's office by fire departments, fire protection districts or volunteer fire protection association; and

(7) Require fire departments, fire protection districts or volunteer fire protection associations to keep basic firefighter training records for auditing purposes.

2. All grant determinations made by the fire safety commission shall be final.

3. In order to qualify for grant money pursuant to sections 320.094 and 320.097, all fire departments, fire protection districts or volunteer fire protection associations must comply with the provisions of section 320.271.

4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2003, shall be invalid and void.

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