

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 47
94TH GENERAL ASSEMBLY

Reported from the Committee on Economic Development, Tourism and Local Government, February 1, 2007, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

0104S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To repeal sections 320.200, 320.271, 320.300, and 320.310, RSMo, and to enact in lieu thereof eight new sections relating to fire protection.

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

Section A. Sections 320.200, 320.271, 320.300, and 320.310, RSMo, are
2 repealed and eight new sections enacted in lieu thereof, to be known as sections
3 320.200, 320.271, 320.300, 320.310, 320.330, 320.333, 320.336, and 320.339, to
4 read as follows:

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the
2 context requires otherwise, the following terms mean:

- 3 (1) "Division", the division of fire safety created in section 320.202;
- 4 (2) "Dwelling unit", one or more rooms arranged for the use of one or more
5 individuals living together as a single housekeeping unit, with cooking, living,
6 sanitary, and sleeping facilities;
- 7 (3) "**Fire department**", **an agency or organization that provides**
8 **fire suppression and related activities, including but not limited to, fire**
9 **prevention, rescue, emergency medical services, hazardous material**
10 **response, or special operation to a population within a fixed and legally**
11 **recorded geographical area. The term "fire department" shall include**
12 **any municipal fire department or any fire protection district as defined**
13 **in section 321.010, or voluntary fire protection association as defined**
14 **in section 320.300, engaging in this type of activity;**
- 15 (4) "Fire loss", loss of or damage to property, or the loss of life or of
16 personal injury, by fire, lightning, or explosion;

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

17 [(4)] (5) "Investigator", the supervising investigators and investigators
18 appointed under sections 320.200 to 320.270;

19 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any
20 property;

21 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for
22 residential purposes and having not more than two dwelling units;

23 [(7)] (8) "Property", property of all types, both real and personal, movable
24 and immovable;

25 [(8)] (9) "State fire marshal", the state fire marshal selected under the
26 provisions of sections 320.200 to 320.270.

 320.271. All fire protection districts, fire departments, and all volunteer
2 fire protection associations as defined in section 320.300 shall **complete and** file
3 with the state fire marshal within sixty days after [August 13, 1988] **January**
4 **1, 2008**, and annually thereafter, [the name and address of the fire protection
5 district, fire department, or volunteer fire protection association] **a fire**
6 **department registration form provided by the state fire marshal. The**
7 **state fire marshal may issue a fire department identification number**
8 **to each registered fire protection district, fire department, or volunteer**
9 **fire protection association based upon such registration. The state fire**
10 **marshal may conduct periodic reviews of the information provided on**
11 **each fire department registration form.**

 320.300. As used in sections 320.300 to 320.310, the phrase "volunteer fire
2 protection association" means any fire department, including a municipal fire
3 department, which is staffed by volunteers and organized for the purpose of
4 combating fires in a specified area. The provisions of sections 320.300 to 320.310
5 shall apply only to volunteer fire protection associations **that provide fire**
6 **suppression and related activities, including but not limited to, fire**
7 **prevention, rescue, emergency medical services, hazardous material**
8 **response, or special operation to a population within a fixed and legally**
9 **recorded geographical area**, either partially or wholly funded by membership
10 or subscriber fees and shall not apply to fire protection districts supported by
11 local tax revenues, or which have contracted with a political subdivision to
12 respond to fires within the area of an association's boundaries.

 320.310. 1. All volunteer fire protection associations [may] **as defined**
2 **in section 320.300 shall** identify the association's boundaries and file the same
3 with the county administrative body.

4 **2. Fire protection districts, municipal fire departments, and**
5 **volunteer fire protection associations, as defined in section 320.300,**
6 **shall be the sole provider of fire suppression and related activities,**
7 **including but not limited to: fire prevention, rescue, emergency**
8 **medical services, hazardous material response, or special operation**
9 **within their legally defined boundaries.**

10 **3. Only upon approval by the governing body of a municipal fire**
11 **department, fire protection district, or volunteer fire association**
12 **registered with the office of the state fire marshal, as required by**
13 **section 320.271, shall any other association, organization, group, or**
14 **political subdivision be authorized to provide the fire suppression and**
15 **related activities referenced in subsection 2 of this section within the**
16 **legally defined boundaries of any municipal fire department, fire**
17 **protection district, or volunteer fire association.**

18 **4. Any such association, group, or political subdivision denied**
19 **approval to operate within the established boundaries of a fire**
20 **department or volunteer fire association may appeal that decision**
21 **within thirty days of the decision to the circuit court having**
22 **jurisdiction for a trial de novo.**

23 **5. Nothing in this section shall supersede the provisions set forth**
24 **in chapter 321, RSMo, and chapter 190, RSMo, pertaining to the**
25 **formation and operation of any fire protection district, ambulance**
26 **district, or ambulance service.**

320.330. Sections 320.330 to 320.339 may be cited as the
2 **"Volunteer Firefighter Job Protection Act".**

320.333. 1. As used in sections 320.330 to 320.339, the phrase
2 **"volunteer firefighter" means any firefighter in the service of any fire**
3 **department or fire protection district, including but not limited to any**
4 **municipal, volunteer, rural, or subscription fire department or**
5 **organization, or volunteer fire protection association, who receives no**
6 **monetary compensation for his or her services.**

7 **2. The term "monetary compensation" includes any economic**
8 **return for services and shall not include:**

9 **(1) Life insurance, sickness, health, disability, annuity, length of**
10 **service, retirement, pension, and other employee-type fringe benefits;**

11 **(2) De minimus compensation to pay for fuel, minor costs related**
12 **to transportation, and other minor operation costs.**

320.336. 1. No public or private employer may terminate an
2 employee for joining any fire department or fire protection district,
3 including but not limited to any municipal, volunteer, rural, or
4 subscription fire department or organization, a volunteer fire
5 protection association, as a volunteer firefighter, Missouri-1 Disaster
6 Medical Assistance Team, Missouri Task Force One, or Urban Search
7 and Rescue Team.

8 2. No public or private employer may terminate an employee who
9 is a volunteer firefighter, a member of Missouri-1 Disaster Medical
10 Assistance Team, Missouri Task Force One, or Urban Search and
11 Rescue Team because the employee, when acting as a volunteer
12 firefighter, a member of Missouri-1 Disaster Medical Assistance Team,
13 Missouri Task Force One, or Urban Search and Rescue Team is absent
14 from or late to his or her employment in order to respond to an
15 emergency prior to the time the employee is to report to his or her
16 place of employment.

17 3. An employer may charge against the employee's regular pay
18 any time that an employee who is a volunteer firefighter, a member of
19 Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One,
20 or Urban Search and Rescue Team loses from employment because of
21 the employee's response to an emergency in the course of performing
22 his or her duties as a volunteer firefighter, a member of Missouri-1
23 Disaster Medical Assistance Team, Missouri Task Force One, or Urban
24 Search and Rescue Team.

25 4. In the case of an employee who is a volunteer firefighter, a
26 member of Missouri-1 Disaster Medical Assistance Team, Missouri Task
27 Force One, or Urban Search and Rescue Team and who loses time from
28 his or her employment in order to respond to an emergency in the
29 course of performing his or her duties as a volunteer firefighter, a
30 member of Missouri-1 Disaster Medical Assistance Team, Missouri Task
31 Force One, or Urban Search and Rescue Team the employer has the
32 right to request the employee to provide the employer with a written
33 statement from the supervisor or acting supervisor of the volunteer fire
34 department or the commander of Missouri-1 Disaster Medical
35 Assistance Team stating that the employee responded to an emergency
36 and stating the time and date of the emergency.

37 5. An employee who is a volunteer firefighter, or a member of

38 Missouri-1 Disaster Medical Assistance Team, Missouri Task Force One,
39 or Urban Search and Rescue Team and who may be absent from or late
40 to his or her employment in order to respond to an emergency in the
41 course of performing his or her duties as a volunteer firefighter, or a
42 member of Missouri-1 Disaster Medical Assistance Team, Missouri Task
43 Force One, or Urban Search and Rescue Team must make a reasonable
44 effort to notify his or her employer that he or she may be absent or
45 late.

320.339. An employee who is terminated in violation of sections
2 320.330 to 320.339 may bring a civil action against his or her employer
3 who violated sections 320.330 to 320.339. The employee may seek
4 reinstatement to his or her former position, payment of back wages,
5 reinstatement of fringe benefits, and, where seniority rights are
6 granted, reinstatement of seniority rights. If the employee prevails in
7 such an action, the employee shall be entitled to an award of
8 reasonable attorney's fees and the costs of the action. The employee
9 must commence such an action within one year after the date of the
10 employee's termination.

Bill ✓

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