

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 898
89TH GENERAL ASSEMBLY

Reported from the Committee on Local Government & Related Matter, April 15, 1998, with recommendation that the House Committee Substitute for Senate Bill No. 898 Do Pass by Consent.
ANNE C. WALKER, Chief Clerk
L3812.02C

AN ACT

To repeal sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, and section 320.094, RSMo Supp. 1997, relating to fire protection districts, and to enact in lieu thereof five new sections relating to the same subject, with penalty provisions.

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

Section A. Sections 320.300, 320.302, 320.305 and 320.307, RSMo 1994, and section 320.094, RSMo Supp. 1997, are repealed and five new sections enacted in lieu thereof, to be known as sections 320.094, 320.300, 320.302, 320.305 and 320.307, to read as follows: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 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, [1996] **1998**, three 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 [1995] **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 [1995] **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.

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

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.

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

320.302. 1. Volunteer fire protection associations may respond to any [fire] **emergency** within its area regardless of whether the property owner **or individual** is a member of or subscriber to the association.

2. In responding to [fires] **emergencies** of nonmembers or nonsubscribers of the association, the association and its firefighters shall be subject to the same liabilities for claims for death or injury to persons or property as those subjected to when responding to [fires] **emergencies** of members or subscribers.

3. In responding to [fires] **emergencies** of nonmembers or nonsubscribers, the volunteer fire protection association may charge up to the following fees:

(1) One hundred dollars for responding to [a fire call or alarm] **an emergency**;

(2) Five hundred dollars for each hour or a proportional sum for each quarter hour spent in [combating a fire]; **providing emergency services**; plus

(3) An amount equal to one year's subscription or membership fees. No property owner **or individual** shall be liable for fees or charges under this subsection if said property owner **or individual** notifies the volunteer fire protection association in writing, prior to the occurrence of [a fire] **an emergency**, not to respond to [a fire] **an emergency** on **or involving** his property.

4. Upon payment of the charges and fees set forth in subsection 3 of this section, the property owner **or individual** shall be deemed to be a member or subscriber in good standing until membership or subscriber payments are again due as prescribed by association rules and regulations.

320.305. 1. When making a claim for a loss to property, each owner of an insured property, who is not a member or subscriber of an association but who received services from a volunteer fire protection association, shall notify his property or casualty insurance company of the name, address and billing statement from the volunteer fire protection association which responded to a call for [fire protection] **emergency** assistance at such property.

2. Failure to comply with the provisions of subsection 1 of this section is a class A misdemeanor.

3. In paying a claim to an insured who received the services of a volunteer fire protection association any property or casualty insurance company shall make checks payable to the order of both the insured and the volunteer fire protection association, and the property owner **or individual** shall make full payment to the association within thirty days after receipt of a loss settlement check from an insurance carrier.

4. Failure to comply with the provisions of subsection 3 of this section shall be deemed

to be a class A misdemeanor.

320.307. If payment is not made pursuant to section 320.305, a volunteer fire protection association shall have a cause of action against the property owner **or individual** for full payment and for additional damages not to exceed ten thousand dollars.

Unofficial

Bill

Copy