

FIRST REGULAR SESSION

# HOUSE BILL NO. 726

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SELBY, WAGNER AND WARD (Co-sponsors).

Read 1<sup>st</sup> time February 8, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

1731L.011

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### AN ACT

To repeal section 320.094, RSMo 2000, relating to the fire education fund, and to enact in lieu thereof one new section 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Section A. Section 320.094, RSMo 2000, is repealed and one new section enacted in lieu thereof, to be known as section 320.094, to read as follows: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, **or the state revenues derived from the state portion of sales tax levied pursuant to sections 144.010 to 144.525, RSMo, on sales of fireworks regulated by sections 320.106 to 320.161,** 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, **until June 30, 2002**, 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 1997 fiscal year shall be

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

17 transferred from the general revenue fund to the credit of the fire education fund. At the end of  
18 each fiscal year, the commissioner of administration shall determine the amount transferred to  
19 the credit of the fire education fund in each fiscal year by computing the premium taxes  
20 deposited in the general revenue fund in the prior fiscal year and comparing such amount to the  
21 amount of premium taxes deposited in the general revenue fund in the 1997 fiscal year. An  
22 amount equal to three percent of the increase computed pursuant to this section shall be  
23 transferred by the state treasurer to the credit of the fire education fund; however, such transfer  
24 in any fiscal year shall not exceed one million five hundred thousand dollars.

25       **3. Beginning July 1, 2002, all state revenues derived from the state portion of sales**  
26 **tax levied pursuant to sections 144.010 to 144.525, RSMo, currently three percent, on sales**  
27 **of fireworks regulated pursuant to sections 320.106 to 320.161, shall be transferred from**  
28 **the general revenue fund to the credit of the fire education fund. The commissioner of**  
29 **administration shall make such transfer at the end of each fiscal year.**

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

51       **[4.] 5.** The moneys in the fire education fund, after any distribution pursuant to  
52 subsection 3 of this section, shall be distributed to the University of Missouri Fire & Rescue

53 Training Institute and the institute shall use the moneys received under this subsection to  
54 coordinate education needs in cooperation with community colleges, colleges, regional training  
55 facilities, and universities of this state and shall provide training and continuing education to  
56 firefighters in this state relating to fire department operations and the personal safety of  
57 firefighters while performing fire department activities. Programs and activities funded under  
58 this subsection must be approved by the Missouri fire education commission established in  
59 subsection 5 of this section. These funds shall primarily be used to provide field education  
60 throughout the state, with not more than two percent of funds under this subsection expended  
61 on administrative costs.

62 [5.] 6. There is established the "Missouri Fire Education Commission", to be domiciled  
63 in the division of fire safety within the department of public safety. The commission shall be  
64 composed of five members appointed by the governor with the advice and consent of the senate,  
65 consisting of one firefighter serving as a volunteer of a volunteer fire protection association, one  
66 full-time firefighter employed by a recognized fire department or fire protection district, one  
67 firefighter training officer, one person serving as the chief of a volunteer fire protection  
68 association, and one chief fire officer from a recognized fire department or fire protection  
69 district. No more than three members appointed by the governor shall be of the same political  
70 party. The terms of office for the members appointed by the governor shall be four years and  
71 until their successors are selected and qualified, except that, of those first appointed, two shall  
72 have a term of four years, two shall have a term of three years and one shall have a term of two  
73 years. There is no limitation on the number of terms an appointed member may serve. The  
74 governor may appoint a member for the remaining portion of the unexpired term created by a  
75 vacancy. The governor may remove any appointed member for cause. The members shall at  
76 their initial meeting select a chairman. All members of the commission shall serve without  
77 compensation for their duties, but shall be reimbursed for necessary travel and other expenses  
78 incurred in the performance of their official duties. The commission shall meet at least quarterly  
79 at the call of the chairman and shall review and determine appropriate programs and activities  
80 for which funds may be expended under subsection 4 of this section.