

SECOND REGULAR SESSION

# HOUSE BILL NO. 2140

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES BERKOWITZ AND KREIDER (Co-sponsors).

Read 1<sup>st</sup> time March 11, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3590L.011

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### AN ACT

To amend chapter 320, RSMo, by adding thereto three new sections relating to fire protection.

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

Section A. Chapter 320, RSMo, is amended by adding thereto three new sections, to be  
2 known as sections 320.095, 320.097, and 320.098, to read as follows:

**320.095. 1. There is hereby established within the department of conservation the**  
2 **"Missouri Fire Safety Commission". The commission shall be composed of the state fire**  
3 **marshal, the state forester, and six members appointed by the governor with the advice and**  
4 **consent of the senate. No more than three members appointed by the governor shall be of**  
5 **the same political party and no more than one member shall be appointed from any single**  
6 **congressional district. The terms of office for the members appointed by the governor shall**  
7 **be four years and until their successors are selected and qualified, except that, of those first**  
8 **appointed, two shall have a term of four years, two shall have a term of three years, and**  
9 **two shall have a term of two years. There is no limitation on the number of terms an**  
10 **appointed member may serve. The governor may appoint a member for the remaining**  
11 **portion of the unexpired term created by a vacancy. The governor may remove any**  
12 **appointed member for cause. The members shall at their initial meeting select a chairman.**  
13 **All members of the commission shall serve without compensation for their duties, but shall**  
14 **be reimbursed for necessary travel and other expenses incurred in the performance of their**  
15 **official duties. The commission shall meet at least quarterly at the call of the chairman and**  
16 **shall review and determine appropriate programs and activities for which funds may be**  
17 **expended pursuant to sections 320.097 to 320.098. Any action by the commission shall**  
18 **require an affirmative vote of four or more members.**

19 **2. The fire safety commission shall hire not more than five fire safety consultants**

20 who shall work with fire departments to improve fire protection. The fire consultants shall  
21 assist in implementation of master fire plans, insurance services office (ISO) rating  
22 reductions, increased capacity for first responder and rescue activities, water source  
23 development, training and record keeping, incident response documentation, field liaisons  
24 with the state fire marshal's office, and coordination of local, private, state, and federal  
25 grant making. The fire consultants shall be employees of the department of conservation  
26 and shall be funded from the fire safety fund. The fire consultants shall work with regions  
27 geographically dispersed throughout the state in areas to be determined by the Missouri  
28 fire safety commission.

320.097. 1. There is hereby established in the state treasury the "Fire Safety  
2 Fund", which shall be maintained and accounted for separately, and which shall consist  
3 of moneys granted for homeland security purposes which are transferred from the federal  
4 grant program fund for fire protection purposes and moneys from all lawful public and  
5 private sources. No more than sixty percent of the moneys in the fund shall be used to  
6 provide funds to fire departments serving an area having a population of less than ten  
7 thousand, and no more than forty percent shall be used to provide funds to fire  
8 departments serving an area having a population of more than ten thousand. Moneys in  
9 the fund may be used only for purposes authorized by the Missouri fire safety commission.

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

12 3. The fire safety commission may make direct grants from the fire safety fund to  
13 aid in funding equipment, education, protective gear, water source development, training,  
14 communications, and station costs of any fire department. The grants may be made to  
15 supplement funds from loan proceeds or other private or public sources. Grants may be  
16 used to match federal matching grant programs.

320.098. 1. The fire safety commission shall promulgate rules and regulations  
2 necessary for the consideration, implementation, and processing of all grant requests,  
3 which shall generally conform to those used by federal grant and loan agencies. Such rules  
4 shall contain, but shall not be limited to, the following criteria:

5 (1) The detailed list of expenditures for the grant requested for the fire department,  
6 fire protection district, or volunteer fire protection association;

7 (2) The urgency and importance of such request to a district or association;

8 (3) The cost of the request for the fire department, fire protection district, or  
9 volunteer fire protection association;

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

- 12           **(5) Require the fire department, fire protection district, or volunteer fire protection**  
13 **association to use the most currently adopted fire incident report system when reporting**  
14 **to the state fire marshal's office;**
- 15           **(6) Require the adoption and implementation of a minimum basic firefighter**  
16 **training approved by the state fire marshal's office for fire departments, fire protection**  
17 **districts, or volunteer fire protection association; and**
- 18           **(7) Require fire departments, fire protection districts, or volunteer fire protection**  
19 **associations to keep basic firefighter training records for auditing purposes.**
- 20           **2. All grant determinations made by the fire safety commission shall be final.**
- 21           **3. In order to qualify for grant money pursuant to section 320.097, all fire**  
22 **departments, fire protection districts, or volunteer fire protection associations must comply**  
23 **with the provisions of section 320.271.**
- 24           **4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**  
25 **that is created under the authority delegated in this section shall become effective only if**  
26 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
27 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**  
28 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**  
29 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**  
30 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
31 **adopted after August 28, 2002, shall be invalid and void.**