

FIRST REGULAR SESSION

HOUSE BILL NO. 301

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRUNS (Sponsor), ROBB, SCHAD, WELLS, DIXON, SCHAAF, RUESTMAN, BIVINS, WHORTON, MOORE AND SANDER (Co-sponsors).

Read 1st time January 9, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0938L.01I

AN ACT

To repeal sections 44.090, 70.837, and 320.090, RSMo, and to enact in lieu thereof three new sections relating to volunteer fire protection associations.

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

Section A. Sections 44.090, 70.837, and 320.090, RSMo, are repealed and three new
2 sections enacted in lieu thereof, to be known as sections 44.090, 70.837, and 320.090, to read
3 as follows:

44.090. 1. The executive officer of any political subdivision, **or of any volunteer fire**
2 **protection association as defined in section 320.300, RSMo**, may enter into mutual-aid
3 arrangements or agreements with other public and private agencies within and without the state
4 for reciprocal **jurisdiction to jurisdiction** emergency aid. Such arrangements or agreements
5 shall be consistent with the state disaster plan and program and the provisions of section 70.837,
6 RSMo, and section 320.090, RSMo. In time of emergency it shall be the duty of each local
7 organization for emergency management to render assistance in accordance with the provisions
8 of such mutual-aid arrangements or agreements.

9 2. Any contracts that are agreed upon may provide for compensation from the parties and
10 other terms that are agreeable to the parties and may be for an indefinite period as long as they
11 include a sixty-day cancellation notice provision by either party. The contracts agreed upon may
12 not be entered into for the purpose of reduction of staffing by either party.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

13 3. At the time of significant emergency such as fire, earthquake, flood, tornado,
14 hazardous material incident, terrorist incident, or other such manmade or natural emergency
15 disaster anywhere within the state or bordering states, the highest ranking official of a political
16 subdivision available may render aid to any requesting political jurisdiction, even without written
17 agreement, as long as he or she is in accordance with the policies and procedures set forth by the
18 governing board of that jurisdiction.

19 4. When responding to mutual aid or emergency aid requests, political subdivisions shall
20 be subject to all provisions of law as if it were providing service within its own jurisdiction.

21 5. All political subdivisions **and, beginning August 28, 2007, all volunteer fire**
22 **protection associations**, within the state are[, upon enactment of this legislation or execution
23 of an agreement,] automatically a part of [the] a Missouri statewide mutual aid **response** system,
24 **which is hereby created within the department of public safety**. A political subdivision **or**
25 **volunteer fire protection association** within the state may elect not to participate in [the] a
26 statewide mutual aid **response** system upon enacting an appropriate resolution by its governing
27 body declaring that it elects not to participate in the statewide mutual aid system and by
28 providing a copy of the resolution to the [state fire marshal and state emergency management
29 agency] **department of public safety**.

30 6. Emergency response agencies shall include fire service organizations, law
31 enforcement agencies, emergency medical service organizations, public health and medical
32 personnel, emergency management officials, infrastructure departments, public works agencies,
33 and those other agencies, organizations, and departments that have personnel with special skills
34 or training that are needed to provide services during an emergency or disaster.

35 7. It shall be the responsibility of each political subdivision **and volunteer fire**
36 **protection association** to adopt and put into practice the National Incident Management System
37 promulgated by the United States Department of Homeland Security.

38 8. In the event of a disaster that is beyond the capability of local political subdivisions,
39 the local governing authority may request assistance under this section.

40 9. Any entity or individual that holds a license, certificate, or other permit issued by a
41 participating political subdivision or state shall be deemed licensed, certified, or permitted in the
42 requesting political subdivision for the duration of the declared emergency or authorized drill.

43 10. Reimbursement for services rendered under this section shall be in accordance with
44 state and federal guidelines. Any political subdivision **or volunteer fire protection association**
45 providing assistance shall **be eligible to** receive appropriate reimbursement according to those
46 guidelines.

47 11. Applicable benefits normally available to personnel while performing duties for their
48 jurisdiction are also available to such persons when an injury or death occurs when rendering

49 assistance to another political subdivision **or volunteer fire protection association** under this
50 section. Responders shall be eligible for the same state and federal benefits that may be available
51 to them for line-of-duty **injuries or** deaths if such services are otherwise provided for within
52 their jurisdiction.

53 12. All activities performed under this section are deemed to be governmental functions.
54 For the purposes of liability, all [participating] **members of the** political subdivisions **or**
55 **volunteer fire protection associations** responding under operational control of the requesting
56 political subdivision **or volunteer fire protection association** are deemed employees of such
57 [participating] **responding** political subdivision **or volunteer fire protection association and**
58 **are subject to the liability and workers' compensation provisions provided by such political**
59 **subdivision or volunteer fire protection association.**

60 13. **The department of public safety may promulgate rules to implement the**
61 **provisions of this section. Any rule or portion of a rule, as that term is defined in section**
62 **536.010, RSMo, that is created under the authority delegated in this section shall become**
63 **effective only if it complies with and is subject to all of the provisions of chapter 536,**
64 **RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
65 **nonseverable and if any of the powers vested with the general assembly pursuant to**
66 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
67 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
68 **rule proposed or adopted after August 28, 2007, shall be invalid and void.**

70.837. 1. In addition to the emergency aid powers prescribed for municipal fire
2 departments, fire protection associations and volunteer fire protection associations under section
3 320.090, RSMo, any public safety agency, including, but not limited to, any emergency medical
4 service, political subdivision police department, county sheriff's department, political subdivision
5 emergency management unit or department formed pursuant to chapter 44, RSMo, political
6 subdivision public works department, or public or private contractors of any of such public safety
7 agency may provide assistance to any other public safety agency in the state or in a bordering
8 state at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous
9 material incident or other such disaster. The chief or highest ranking officer of the public safety
10 agency may render aid to any requesting agency as long as he is acting in accordance with the
11 policies and procedures set forth by the governing body of that public safety agency **and under**
12 **section 44.090, RSMo.**

13 2. When responding on emergency aid requests, a public safety agency and any public
14 or private contractors of any such public safety agency shall be subject to all provisions of law
15 as if it were providing service within its own jurisdiction.

320.090. 1. Any municipal fire department, fire protection district or volunteer fire protection association, as defined by section 320.300, may enter into contracts providing for mutual aid regarding emergency services provided by such fire department, fire protection district or volunteer fire protection association **under section 44.090, RSMo**. The contracts that are agreed upon may provide for compensation from the parties and other terms that are agreeable to the parties and may be for an indefinite period as long as they include a sixty-day cancellation notice by either party. The contracts agreed upon may not be entered into for the purpose of reduction of manpower by either party.

2. Any municipal fire department, fire protection district or volunteer fire protection association may provide assistance to any other municipal fire department, fire protection district or volunteer fire protection association in the state, or any bordering state, at the time of a significant emergency such as a fire, earthquake, flood, tornado, hazardous material incident or other such disaster. The chief or highest ranking fire officer may render aid to any requesting fire department, fire protection district or volunteer fire protection association as long as he is acting in accordance with the policies and procedures set forth by the governing board of that governmental entity or association.

3. When responding on mutual aid or emergency aid requests, the fire department, fire protection district, or volunteer fire association shall be subject to all provisions of law as if it were providing service within its own jurisdiction.

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