

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 300

94TH GENERAL ASSEMBLY

Reported from the Special Committee on General Laws February 1, 2007 with recommendation that House Committee Substitute for House Bill No. 300 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules February 6, 2007 with recommendation that the House Committee Substitute Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection February 8, 2007. House Committee Substitute ordered Perfected and printed, as amended.

D. ADAM CRUMBLISS, Chief Clerk

1227L.02P

AN ACT

To repeal sections 320.200, 320.271, and 320.300, RSMo, and to enact in lieu thereof seven 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Section A. Sections 320.200, 320.271, and 320.300, RSMo, are repealed and seven new
2 sections enacted in lieu thereof, to be known as sections 320.096, 320.200, 320.271, 320.300,
3 320.330, 320.333, and 320.336, to read as follows:

**320.096. 1. Except as provided in subsection 2 of this section, fire protection
2 districts as defined in section 321.010, RSMo, municipal fire departments and volunteer
3 protection associations, as defined in section 320.300, shall be the sole providers of fire
4 suppression and related activities, including but not limited to fire prevention, rescue,
5 emergency medical services, hazardous material response, or special operations, within
6 their legally defined boundaries.**

**7 2. Upon the approval by a majority vote of the governing body of a registered fire
8 protection district, municipal fire department, or volunteer fire protection association, any**

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.

9 other association, organization, group, or political subdivision may provide the fire
10 suppression and related activities described in subsection 1 of this section, within the
11 legally defined boundaries of such registered fire protection district, municipal fire
12 department, or volunteer fire protection association.

13 3. Any association, organization, group, or political subdivision denied
14 authorization to provide fire suppression and related activities as provided by subsection
15 2 of this section may, within thirty days of such denial, appeal such denial to the circuit
16 court with jurisdiction over such registered fire protection district, municipal fire
17 department, or volunteer fire protection association. The appeal shall be a trial de novo
18 in the manner prescribed for nonjury civil proceedings.

19 4. This section shall not be construed to supersede any provision in chapter 190,
20 RSMo, or chapter 321, RSMo, relating to the formation and operation of any fire
21 protection district, ambulance district, or ambulance service.

320.200. As used in sections 320.200 to [320.270] **320.271**, unless the context requires
2 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 individuals
5 living together as a single housekeeping unit, with cooking, living, sanitary, and sleeping
6 facilities;

7 (3) "Fire department", an agency or organization that provides fire suppression
8 and related activities, including but not limited to, fire prevention, rescue, emergency
9 medical services, hazardous material response, or special operation to a population within
10 a fixed and legally recorded geographical area. The term "fire department" shall include
11 any municipal fire department or any fire protection district as defined in section 321.010,
12 or voluntary fire protection association as defined in section 320.300, engaging in this type
13 of activity;

14 (4) "Fire loss", loss of or damage to property, or the loss of life or of personal injury, by
15 fire, lightning, or explosion;

16 [(4)] (5) "Investigator", the supervising investigators and investigators appointed under
17 sections 320.200 to 320.270;

18 [(5)] (6) "Owner", any person who owns, occupies, or has charge of any property;

19 [(6)] (7) "Privately occupied dwelling", a building occupied exclusively for residential
20 purposes and having not more than two dwelling units;

21 [(7)] (8) "Property", property of all types, both real and personal, movable and
22 immovable;

23 [(8)] (9) "State fire marshal", the state fire marshal selected under the provisions of
24 sections 320.200 to 320.270.

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

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

**320.330. Sections 320.330 to 320.336 shall be known and may be cited as the
2 "Volunteer Firefighter Job Protection Act".**

**320.333. 1. As used in sections 320.330 to 320.336, the phrase "volunteer
2 firefighter" means any firefighter in the service of any fire department or fire protection
3 district, including but not limited to any municipal, volunteer, rural, or subscription fire
4 department or organization, or volunteer fire protection association, who receives no
5 monetary compensation for the firefighter's services.**

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

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

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

**320.336. 1. No public or private employer may terminate an employee for joining
2 any fire department or fire protection district, including but not limited to any municipal,**

3 volunteer, rural, or subscription fire department or organization, or a volunteer fire
4 protection association, as a volunteer firefighter.

5 **2. No public or private employer may terminate an employee who is a volunteer**
6 **firefighter because the employee, when acting as a volunteer firefighter, is absent from or**
7 **late to the employee's employment in order to respond to an emergency prior to the time**
8 **the employee is to report to the employee's place of employment.**

9 **3. An employer may charge against the employee's regular pay any time that an**
10 **employee who is a volunteer firefighter loses from employment because of the employee's**
11 **response to an emergency in the course of performing the employee's duties as a volunteer**
12 **firefighter.**

13 **4. In the case of an employee who is a volunteer firefighter and who loses time from**
14 **the employee's employment in order to respond to an emergency in the course of**
15 **performing duties as a volunteer firefighter, the employer has the right to request the**
16 **employee to provide the employer with a written statement from the supervisor or acting**
17 **supervisor of the volunteer fire department stating that the employee responded to an**
18 **emergency and stating the time and date of the emergency.**

19 **5. An employee who is a volunteer firefighter and who may be absent from or late**
20 **to the employee's employment in order to respond to an emergency in the course of**
21 **performing duties as a volunteer firefighter must make a reasonable effort to notify the**
22 **employee's employer that the employee may be absent or late.**

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