

HB 1176 -- Fire Protection Agencies

Sponsor: Nance

This bill changes the laws regarding fire protection agencies. In its main provisions, the bill:

(1) Changes the term "volunteer fire protection association" to "fire protection agency" and adds rural and industrial fire departments and public safety fire suppression organizations to the definition of "fire protection agency";

(2) Specifies that Sections 320.300 - 320.349, RSMo, regarding fire protection agencies, will apply to municipal fire departments, rural fire departments, public safety fire suppression organizations, industrial fire departments, a reserve military force as an emergency response agency, and a disaster fire suppression and related activities organization with fire protection agency mutual-aid duties;

(3) Specifies that rural fire departments and public safety fire suppression organizations are not political subdivisions but are bona fide quasi-municipal, civil defense, and first responder public safety instrumentalities of the state and have certain minimum staffing and equipment requirements;

(4) Specifies that fire departments and public safety fire suppression organizations are authorized to acquire real property and real property easements, including the use of eminent domain; to issue bonds; and to adopt fire codes;

(5) Specifies that all personnel of rural, volunteer, or subscription fire departments or a public safety fire suppression organization are public safety officers but not employees of the state, must be 21 years of age, and cannot be convicted felons. The bill specifies their duties, benefits, and compensation;

(6) Establishes industrial fire departments and specifies their personnel, training, and equipment requirements; fee structure; liability limits; and other powers, duties, responsibilities, and privileges;

(7) Specifies that fire protection agencies:

(a) Are exempt from certain taxes, licenses, and fees;

(b) Have certain civil defense powers;

(c) Have limited liability when responding to calls;

(d) Have a specified chain-of-command when multiple agencies are on site; and

(e) Are subject to new procedures and requirements for annexation by a political subdivision;

(8) Creates a subscription fire rescue uninsured pooled claims fund to be administered by the Director of the Department of Insurance, Financial Institutions and Professional Registration and to be funded equally by the casualty insurance companies doing business in the state and establishes rules for pay-outs to fire protection agencies;

(9) Creates the Missouri Rural Fire Suppression and Related Activities Trust Fund to be administered by the State Treasurer and funded by the collection of fire department membership dues and casualty insurance policy surcharges from casualty insurance companies doing business in the state. Half of the funds will be distributed on an equally prorated per-capita basis to the rural fire departments and public safety fire suppression organizations and half to the newly established Missouri Reserve Military Force;

(10) Prohibits discrimination between paid and volunteer fire protection entities and prohibits public servants from oppressing any fire protection entity because it is not the regular fire protection entity; it is not a unionized fire department; due to the status of its fire fighters personnel being public safety officers of the state and not employees of a political subdivision; or due to the poverty, if any, of any fire department or disaster organization. Any paid or unionized firefighter who demeans an unpaid firefighter or other public safety officer will be guilty of conduct unbecoming a fire service organization officer, with the complaint subject to mediation;

(11) Prohibits the State Fire Marshal from directing or controlling any specific fire department or fire protection district and from revoking the license of a fire suppression entity under certain circumstances. Other duties, obligations of, and restrictions on the State Fire Marshal and fire suppression entities are specified;

(12) Authorizes the Governor to mobilize the Missouri Reserve Military Force for any declared state of emergency and for all martial law purposes. The Governor will appoint the commandant, who is authorized to establish rules and regulations. The bill specifies the composition of the leadership staff and all members of the force, their duties, and obligations. For the purpose of being integrated and mobilized for standby; on-call; and

emergency, catastrophe, and disaster response duty, members of the force will be divided as equally as possible into red, blue, or gold disaster teams; and

(13) Requires the force and certain other public safety officers to annually complete a community emergency response team course and the United States Weather Bureau's severe weather observer class and authorizes ribbons for their uniforms to indicate completion of the courses.