

MISSOURI ASSOCIATION OF FIRE CHIEFS

EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #7 2013 SESSION FEBRUARY 25, 2013

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(NEW INFORMATION WILL BE IN RED)

THIS WEEK AT THE CAPITOL

The snowstorm sent the legislature home early, so not a lot of activity. The budget continues to move forward, and we still look for an increase in training funds to be added in the process, which will conclude in the House in late March. The fire training-funding bill remains in the sub appropriation committee, shown below

Omnibus Public Safety Bill - The big bill voted out this week was HB335. It took one bad amendment from Representative Roorda, which will allow employees of one fire district to run for another fire district board. Jorgen spoke to Representative Hinson, the chairman as well as the sponsor of the bill, and told him of our opposition. He said he would work with us to remove it from the bill. The bill is now in Rules and Jorgen has talked to Jeanie Riddle, chair of the committee to see if she will get a commitment to remove that amendment on the floor.

The bill also contains the community paramedic provision, which is gaining opposition from the doctors. Jorgen thinks that the provision will need modification before it gains acceptance from the provider community.

As was predicted the \$1 increase in property tax for FPD's was removed as it would have drawn heavy opposition on the floor.

A provision to increase filing fees for FPD board of directors from \$10 to \$50 was included.

In what was the surprise of the week to Jorgen, was Senator Parson received first round approval on SB24, which allows 3rd and 4th class counties to vote on adopting a building code, with Ag structures exempted. It will be up for final approval from the senate when they return on Monday.

Two bills were filed to incorporate first responders including firefighters into a law that increases penalties for speeding while passing such personnel while they are working. Senator Wasson, noted below and Shawn Rhoads (HB638)

Guns, Guns, Guns is the topic in the capitol and the nation. SB 271 - This act requires that 911 operators receive training in state law regarding self-defense and defense of others in order to assist callers who are in imminent danger of sustaining serious injury or death. This act gives 911 operators immunity from civil liability when providing this information except in cases of willful and wanton misconduct or gross negligence. This bill will be heard on Feb 26th in the General Laws Committee.

The Budget Chairman, Rep Stream, introduced the budget bills this week. Before you go online and read them, they simply mirror the current years budget and not his priorities or substantive changes. The real budget bill for FY14 will be revealed in committee, which will begin in a couple weeks.

Jorgen met with Rep Stream. He seems very supportive of additional FF training money, we will learn more about the amount of available funds in the next couple weeks, and then have a firm number.

Chief Russ Mason has been to Jefferson City on many occasions visiting with House members promoting additional funding and his efforts are helping tremendously. Thanks for his efforts. Next week we will shift our focus from the Public Safety Appropriations Committee to the [House Budget Committee](#).

Infrastructure was the big topic of the week. A mix of house and senate members continue to push for a 1 cent sales tax for 10 years which will generate \$8 billion for projects throughout the state. Half of the cost of rebuilding I-70 would come from this revenue source, the other would be from funds already allocated by existing highway funds. Another camp, including the House chairman and Speaker prefer the bonding method, which brings in significantly less than \$8 billion, at most probably just under \$2 billion, but it has no tax increase associated with it, and would be paid from existing general revenue over a longer period of time than the competing 10 year sales tax proposal. The two camps are far from a resolution.

The Senate Economic Development Committee passed out two bills that have not made it through the Senate in past sessions because of a lack of a deal on the over all reform of Tax Credits.

The House Public Safety Appropriations Committee met this week, as did the Senate Appropriations Committee for the purpose of taking public testimony. Chief Russ Mason testified and was received very well by the Chairman, Kurt Schaefer from Columbia. Jorgen has a meeting to follow up with Sen. Schaefer and his staff regarding increasing training dollars in the FFTF. Thank you to Russ for taking time to do this!

The House Committee will receive public testimony on Wednesday in HR 6 at 2 p.m. Jorgen will also meet with Rep Marsha Haefner, the new chair of the committee and Rep Dave Hinson, one of it's members, as she begins to contemplate her recommendations to the full Budget Committee. She does not get to make changes to the budget bills, but a good recommendation always helps. This will likely happen in late February, and the Senate will make their decisions in April.

Dave Hinson, new chairman of the Crime Prevention and Public Safety, will hold an organizational meeting this week. He has already discussed developing a omnibus public safety bill. He will work with us nicely.

The Senate passed two bills in as many days, both of which had been debated for the past several sessions and never made progress. The Senate has sent a signal that gridlock is a thing of the past.

The House continues to work on the budget now that the governor announced his budget, built on revenues that are not yet available, and need legislation to enact them. The Republicans pushed back hard on a few of his initiatives including the expected Medicaid expansion.

FSA Priority Issues

9-1-1

Stalled this week after the sponsor decided not to file the bill. We will look for other sponsors, but it is a tax increase, which is not received warmly in with this legislature.

9-1-1 legislation is nearing introduction. We have seen a couple drafts, but no final version has been distributed. The bill will likely contain a local county option, instead of a statewide effect.

Increase Training Funds

Russ Mason testified before the Senate two weeks ago, and now the House Appropriations Committee this week. Both times he received support for his request of more training money. The Budget bills begin in the House but won't be officially introduced until late this month or even early March. Jorgen looks for an increase, hopefully \$100,000 or more, when the bills are passed out of the House, and sent to the Senate.

State Emergency Fund for Disasters

Move over Law to also include Emergency Responders

Increased fines for violating traffic laws when passing by an emergency worker on the road way has been introduced (SB282 – see below).

Immunity Legislation

Legislation that provides additional liability protection for law enforcement officers while performing acts within their normal course of business has been introduced. We will attempt to expand that to firefighters and EMS as well. (HB 425)

Legislation that provides additional liability protection for law enforcement officers, while performing acts within their normal course of business, was heard this week, but appears to be dead. We wanted to amend firefighter protections onto this bill, but will have to find another vehicle. I suspect if protections for police were not supported, ours will have an uphill battle as well.

OTHER ISSUES

Workers Compensation reform was completed this week in the Senate. There were two contentious issues, first revamping the second injury fund, from which volunteer firefighters receive a small amount if injured, and restructuring how much one is eligible for occupational disease benefits (this does not apply to FF, as they are under a different law). The 2nd injury fund solvency issue has been resolved, and the fund will not be eliminated but funded in various ways instead, which is good for us, however new Permanent Partial Disability claims will no longer be paid from the fund. **It appears now that some organizations will be opposing the bill.**

Workers Compensation reform is the theme for the week for the Senate. There will be significant debate on this issue, as there are multiple factions, and factions within factions attempting to resolve the bankrupt system.

A bill to increase filing fees for FPD board of directors from \$10 to \$50 will be introduced.

The big omnibus public safety bill has been introduced (see HB335 summary) below.

Medicaid update

Reps Jay Barnes, Chris Molendorp, Keith Fredrick's and Tom Flannigan comprise an unofficial workgroup drafting legislation outlining their own "expansion" proposal. Fredrick introduced a "dissenting opinion" bill that creates a pilot project with a certain section of the existing Medicaid population. It would give them a specific amount of health care dollars to purchase

health care in alternative methods, i.e managed care, individual policies, Medicaid plans etc. Jorgen does not think that bill has the necessary support at the moment to pass. Jay Barnes and Chris Molendorp introduced a bill, which expands the eligibility for Medicaid but contains cost controls, and sunset provisions in the event the federal government does not follow through with their funding commitments. Barnes bill allows eligibility to rise to 100% and not the max allowed (or some say required) by the feds, which is 138% of poverty. His version introduces copay reforms and allows different delivery models.

The democrats have introduced a full-blown version or expansion, and while that does not have a chance to pass, it makes the republican version appear more acceptable and therefore more likely to pass. Jorgen thinks this bill will morph several more times before a final product is sent to the Governor for his signature. A sunset of the expansion after the 100% match rate expires is certain to be in any proposal that attempts to expand the program. **The democrats have introduced a full - blown version of expansion, and while that does not have a chance to pass, it will be heard in committee this week. Jorgen looks for Representative Barnes to file his bill after the hearing.**

The House and Senate remain less than excited about moving this proposal forward and are looking for the other chamber to make the first move. The issue nonetheless continues to get significant conversation and is not dead by any stretch of the imagination. The expansion would cover many ambulance calls that are now for indigent patients. The expansion would cover people up to 138% of federal poverty. Current coverage is for adults under 19% of federal poverty level.

Reps Jay Barnes, Chris Mollendorp, Keith Fredrick's and Tom Flanigan comprise an unofficial workgroup drafting legislation outlining their own "expansion" proposal. That may include reforms and expansion but not to the federal requirement of 138%. This will be a game of chicken. The senate shows little movement thus far, but sun setting the expansion upon expiration of the 100% fed match does have some promise to get the senate's attention. It would then be for a future general assembly to renew the sun set. Much more to come-

Bills of potential interest

HOUSE BILLS

[HB 28 Lichtenegger](#) Authorizes any county commission, municipality, or fire protection district to adopt an order or ordinance, including a burn ban order, regarding its emergency management functions as they relate to a natural or man-made disaster.

Bill History: 12-03-12 H Filed
01-31-13 H Referred to House Committee on House-Local Government
02-18-13 H Meeting set for 1:00 PM, HR 5 House-Local Government
02-18-13 H Public hearing completed

HB 33 Guernsey Extends the expiration date of certain provisions of the Open Meetings and Records Law. This bill will be fast tracked since the previous legislature failed to extend the sunset clause, and currently your disaster preparedness plans are open records.

Bill History: 12-03-12 H Filed
01-31 Referred to House Committee on House-General Laws
02-06-13 H Superseded by - see HB 256 below

HB 45 Hinson Authorizes the county commission in any county to adopt certain building codes.

Bill History: 12-04-12 H Filed
01-31-13 H Referred to House Committee on House-Local Government
02-18-13 H Meeting set for 1:00 PM, HR 5 House-Local Government
02-18-13 H Public hearing completed

HB 66 Burlison Removes the provision that requires fire protection districts located in Greene County to have an audit performed every two years.

Bill History: 12-18-12 H Filed
01-31-13 H Referred to House Committee on House-Local Government
02-18-13 H Meeting set for 1:00 PM, HR 5 House-Local Government
02-18-13 H Public hearing completed

HB 115 Davis Prohibits an employer from requesting or requiring an employee or applicant to disclose any user name, password, or other means for accessing a personal account or service through an electronic device.

Bill History: 01-10-13 H Read second time

HB 118 Shull Changes the laws regarding the Open Meetings and Records Law to allow certain meetings and records regarding policies, security systems, and structural plans regarding any terrorist or public safety or health incident to be closed. **Same as HB 33 and SB139 above, and will be heard this week.**

Bill History: 01-10-13 H Read second time Same as HB 33 above
01-31-13 H Referred to House Committee on House-Utilities
Same as HB 33 and SB139 above, and will be heard this week.

HB 135 [Diehl](#) Authorizes any political subdivision to enter into design-build contracts for construction projects exceeding one million dollars.

Bill History: 01-10-13 H Read second time

HB 147 [Davis](#) Expands the procedural protections given to taxpayers in charter counties and the City of St. Louis regarding residential property tax assessments to taxpayers in any county.

Bill History: 01-14-13 H Read second time

HB 161 [Gatschenberger](#) Specifies that any voluntary annexation must only be notarized and modifies procedures regarding invalidating or challenging a previous annexation.

Bill History: 01-15-13 H Read second time
02-11-13 H Public hearing completed

02-18-13 H Voted do pass from committee on House-Local Government

HB 234 [Gatschenberger](#) Authorizes a claim clearinghouse to process and verify a request for an offset of an income tax refund and lottery winnings to satisfy an outstanding debt for ambulance services an individual received.

Bill History: 01-23-13 H Read second time
01-31-13 H Referred to House Committee on House-Local Government
02-18-13 H Meeting set for 1:00 PM, HR 5 House-Local Government

HB 254 [Swearingen](#) Authorizes the City of North Kansas City to impose, upon voter approval, a sales tax to fund public safety improvements

Bill History: 01-23-13 H Read second time

HB 256 [Jones-50](#) Extends the expiration date of certain provisions of the Open Meetings and Records Law.

Bill History: **02-14-13 S Reported to the Senate and first read**
02-20-13 S Referred to Senate Committee on Senate-Judiciary Civil/Criminal Jurisprudence

HB 307 - Riddle (049) – Exempts fire protection districts in certain counties from the provision specifying that no person holding any lucrative office under this state shall hold the office of fire protection district director.

Bill History: Introduced
01-28-13 H Read second time
02-11-13 H Meeting set for 1:00 PM, HR 6 House-Crime Prevention, this will be voted out on Monday, Feb 18th
02-20-13 H Recommended for House Consent Calendar

HB 332 Sommer Removes the sunset provisions with regard to certain provisions of the Open Meetings and Records Law.

Bill History: 01-29-13 H Read second time

HB 335 Hinson Will likely be voted out on Monday, Feb 18th. This bill has been rewritten by the sponsor, who happens to be the chair, who happens to be a paramedic and worked for a fire district (Dave Hinson). He has been very accommodating.

A provision to increase filing fees for FPD board of directors from \$10 to \$50 will be included. The \$1 per \$100 assessed valuation increase for FPD will be stripped from the bill, as the increase in tax in a no more taxes environment will sink the rest of the package.

It is being replaced with another controversial item, although no cost to the state or taxpayers is a provision creating the designation of a community paramedic. This class of paramedic would assist hospitals in follow home visits to recently discharged patients to help reduce the hospitals readmission rate.

The committee has mixed feelings on the issue, but the chairman believes in the designation and therefore will fare well in committee at least.

Changes the laws regarding public safety. This is a big omnibus public safety bill. It contains a provision allowing FPD's to increase their levy by \$1 by vote of the people. The bill also contains several provisions on EMS, killed in the line of duty benefit, and repeals various communicable disease statutes. [Read the summary.](#)

Bill History: 2/12/13 Heard in committee.
01-30-13 H Read second time
02-18-13 H Referred to House Committee on House-Rules

HB 336 Hinson Specifies that no political subdivision shall prohibit any first responder from engaging in any political activity while off duty and not in uniform unless otherwise prohibited by state or federal law.

Bill History: 01-30-13 H Read second time
02-14-13 H Referred to House Committee on House-Elections

HB 364 Roorda Allows an employee of a fire protection or ambulance district to serve as a board member of a fire protection or ambulance district if the district is not in the same county where the employee is employed.

Bill History: 01-31-13 H Read second time

HB 377 Kelley Repeals the expiration date of certain provisions of the Open Meetings and Records Law.

Bill History: 01-31-13 H Read second time

HB 384 Lant Allows any contractor who engages in the installation or service of fire sprinkler systems to register with the State Fire Marshal.

Bill History: 01-31-13 H Read second time
02-20-13 H Meeting set for 12:00 PM or Upon Morning Ad...House-Professional
Registration and Licensing
02-20-13 H Public hearing completed

HB 407 Wieland Specifies that, if a petition to incorporate a proposed area in Jefferson County fails to be adopted, it cannot be resubmitted for three years.

Bill History: 02-14-13 H Referred to House Committee on House-Local Government

HB 417 Stream Authorizes certain political subdivisions to contract for engineering, repair, sustainability, water quality management, and maintenance of an existing water storage tank without paying prevailing wage.

Bill History: 02-05-13 H Read second time

HB 425 Wilson Specifies that all law enforcement officers are immune from personal civil liability for acts that are within the scope of their official duties, discretionary, and not performed in bad faith or with malice.

Bill History: 02-18-13 H Meeting set for 1:00 PM, HR 6 House-Crime Prevention
02-18-13 H Public hearing completed

[HB 437 Funderburk](#) Modifies provisions relating to underground facility safety.

Bill History: 02-06-13 H Read second time

[HB 452 Fraker](#) Changes the laws regarding prevailing wages on public works projects.

Bill History: 02-07-13 H Referred to House Committee on House-Workforce Dev. and Workplace Safety

[HB 453 Fraker](#) Changes the laws regarding prevailing wages on public works projects.

Bill History: 02-18-13 H Meeting set for 1:00 PM, HR 1 House-Workforce Dev. and Workplace Safety

[HB 459 Bahr](#) Relating to the adoption of ordinances for redevelopment.

Bill History: 02-07-13 H Read second time

[HB 468 Higdon](#) Gives sheriffs or any other law enforcement officer absolute immunity when conducting service of process at the direction of any court.

Bill History: 02-07-13 H Read second time

[HB 491 Roorda](#) Establishes the Fire Equipment Distributors Regulation and Licensing Law.

Bill History: 02-11-13 H Read second time

NEW HOUSE BILLS

[HB 600 Kelly](#) **Modifies provisions relating to the Open Records and Meetings Law.**

Bill History: **02-20-13 H Referred to House Committee on House-General Laws**

[HB 609 Miller](#) **Adds certain licensed emergency medical technicians to the list of individuals who can report anyone diagnosed or assessed with a condition that may prevent the safe operation of a motor vehicle.**

Bill History: **02-15-13 H Read second time**

[HB 612 Lichtenegger](#) **Allows county commissioners to issue ordinances regarding natural and man-made disasters.**

Bill History: **02-15-13 H Read second time**

SENATE BILLS

[SB 1 Rupp](#) Modifies the law relating to workers' compensation. – This bill is a continuation of the reform of workers comp we supported last year. It is very broad and comprehensive (see summary at the bottom of this document) - It was heard and voted out of committee this week. It is suspected that several more versions will be contemplated prior to the bill receiving substantive debate time on the senate floor.

Bill History: 12-01-12 S Filed

[SB 30 Brown](#) Repeals all of the prevailing wage laws.

Bill History: 12-01-12 S Filed
01-10-13 S Referred to Senate Committee on Senate-Small
Bus./Insurance/Industry

[SB 66 Dixon](#) Repeals a number of expired or obsolete committees.

Bill History: 12-07-12 S Filed
01-23-13 S Hearing conducted

[SB 139 Kehoe](#) Extends the expiration date for the closure of certain records, meetings and votes relating to operational guidelines and security systems to December 31, 2017.

Bill History: 01-17-13 S Introduced and read first time Same as HB33 above.
02-04-13 S Meeting set for 6:00 PM or 45 minutes after...Senate-Judiciary
Civil/Criminal Jurisprudence
02-15-13 H Read second time

[SB 213 Kraus](#) Modifies provisions of law relating to tax increment financing.

Bill History: 01-28-13 S Introduced and read first time
02-12-13 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local
Government

[SB 216 Silvey](#) Prohibits political activity restrictions on first responders and modifies current political activity restrictions on the Kansas City Police Department.

Bill History: 01-28-13 S Introduced and read first time
02-12-13 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government

[SB 231 Munzlinger](#) Modifies tax refund and lottery setoff procedure for unpaid healthcare expenses.

Bill History: 01-29-13 S Introduced and read first time
02-14-13 S Referred to Senate Committee on Senate-Ways and Means

[SB 264 Dempsey](#) Allows owners of property in a residential subdivision to file a petition seeking to have their subdivision excluded from a fire protection district.

Bill History: 02-05-13 S Introduced and read first time

[SB 271 Nieves](#) Creates provisions relating to emergency dispatch operator training.

Bill History: 02-06-13 S Introduced and read first time
02-26-13 S Meeting set for 3:00 PM, SCR 1 Senate-General Laws

[SB 272 Nieves](#) Allows contractors who install fire sprinkler systems to apply for a certificate of registration.

Bill History: 02-06-13 S Introduced and read first time

[SB 282- Wasson Jay](#) - Increases penalties for moving violations and traffic offenses occurring within an active emergency zone

Bill History – 02-07-13 Introduced in the Senate
02-20-13 S Referred to Senate Committee on Senate-Transportation and Infrastructure

[SB 295 Lager](#) Prohibits a political subdivision from restricting a firefighter from engaging in certain political activities.

Bill History: 02-11-13 S Introduced and read first time
02-20-13 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government

[SB 322](#) [Dixon](#) Provides immunity for law enforcement officers from personal civil liability.
Bill History: 02-13-13 S Introduced and read first time

NEW SENATE BILLS

NONE

JOINT RESOLUTIONS

[SJR 13](#) [Chappelle-Nadal](#) Makes St. Louis city a part of St. Louis county
Bill History: 01-17-13 S Introduced and read first time
02-12-13 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and
Local Government

Public Safety Appropriations Committee

Haefner, Marsha, Chair
Conway, Kathie, Vice Chair
Ellington, Brandon
Fitzwater, Paul
Hinson, Dave
Hubbard, Penny
Muntzel, Dave
Nichols, Mary
Otto, Bill
Rhoads, Shawn
Sommer, Chrissy
Wilson, Kenneth