

MISSOURI ASSOCIATION OF FIRE CHIEFS

EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #4 FOR 2010 SESSION FEBRUARY 8, 2010

STATE BUDGET

The budget discussions are under way, and the governor just announced another \$78M in cuts for this fiscal year, much less cuts for next fiscal year. Unfortunately, until the economy begins to recover and more sales tax is generated and income tax increases from more people at work, we will continue to be stuck in this slow growth.

General Revenue – In FY09 (ended June 09) the SFM had \$306,408, however, the governor core cut \$100,000 from that amount and they started FY10 (began July 1, 10) with \$206,408. All but \$7,747 has been withheld this fiscal year (FY10).

Fire Education Funds – This is based on fireworks permit fees and pyrotechnic licenses. Generally SFM collects approximately \$160,000 annually, but due to the cyclical nature of the licenses, they peak around \$200,000 every third year. This fund is not subject to a biennial sweep, and is protected from budget cuts.

For the most part, the cuts mentioned in the Governor's recommendations are the withholdings the SFM has taken this fiscal year carried forward into next year's budget (FY11 begins July 1 – 10). This includes \$106,840 in personal services money (4 FTE), \$15,045 in expense funding, and \$206,408 in the general revenue funded fire fighter training. This will wipe out all of the general revenue funded contracted training – leaving the Fire Education Fund (\$150,000) as their only source for contracted fire fighter training. They also have the Chemical Emergency Preparedness Fund (\$100,000); however that can only be used for hazardous-material related training.

LEGISLATION

Many bills relate to taxes, not increasing them, but reallocating their use. Several proposals eliminate income tax, and allow the state or city to replace lost revenue with an increase in sales tax, and expand to what the sales tax applies. For instance, all services, going to the doctor, would now be subject to sales tax.

There are also several property tax bills filed, many of which you have seen in the past, but a couple new ideas as well. I do not expect these bills to make much progress, but I do look for some initiative petitions to be filed and appear on the

ballot over the next couple of election cycles, so we will have to monitor the secretary of states office closely as that is where the initiatives must be filed prior to circulation for signatures to get on the ballot.

9-1-1

The following is not our bill. Review and let me know your thoughts.

[HB1574](#) --- Sponsor: [Sander, Therese \(022\)](#) --- CoSponsor: [Jones, Kenny \(117\)](#)

Establishes provisions relating to 911 emergency communications service

HB 1574 -- (LR# 3589L- 01I)

Introduced and Read First Time (H)

Update: Read but not assigned to committee

UPDATE: No change

PROPERTY TAX FIX-No report, but review the many bills and joint resolutions that have been filed on this issue. "Hold onto your hat we are in for a bumpy ride."

FUEL TAX EXEMPTION-No report

LODD BENEFIT-No report

SPILLER PAY

SB680 Crowell - Under current law, when more than 50 gallons of petroleum, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas are spilled or released, it is considered a hazardous substance emergency. This act changes the minimum threshold to 3,000 gallons.

Under current law, if a political subdivision or volunteer fire protection district provides services in response to a hazardous substance emergency, the person who controls the hazardous substance is liable for reasonable and necessary costs incurred by the political subdivision or fire protection district. This act limits the person's liability to 25% of the reasonable and necessary costs.

Update: This bill was assigned to the Senate Commerce, Consumer Protection, Energy and the Environment Committee. Senator Brad Lager is the chairman of this committee. It was scheduled for a hearing, but then removed from the hearing list late in the week. We are working on some ideas that may bring more certainty to the meaning of the statute and will visit with the sponsor to see if it addresses some of his concerns.

UPDATE: We are working on some ideas that may bring more certainty to the meaning of the statute and will visit with the sponsor to see if it addresses some of his concerns.

HOUSE BILLS:

[HB1216](#) - Exempts real property owned by individuals 65 years of age and older from increases in the tax rate and assessed valuation until the owner moves, sells the property, or fails to notify of continued eligibility.

Update: Read, but not assigned to committee.

UPDATE: NO CHANGE

[HB 1261 Komo, Sam](#)

Allows political subdivisions to replace any property taxes levied for funding the political subdivision with a sales tax (LR# 3438L.01I)

Update: Read but not assigned to committee

UPDATE: NO CHANGE

[HB 1282 Roorda, Jeff](#)

Requires all basic life support ambulances and stretcher vans to be equipped with an automated external defibrillator and be staffed by at least one individual trained in its use (LR# 3616L.01I)

UPDATE: NO CHANGE

[HB 1285 Roorda, Jeff](#)

House Home Page. House Bill List. HB 1285. Requires all counties and fire protection districts to adopt and enforce the 2003 ICC International Fire Code

Update: Read but not assigned to committee

UPDATE: NO CHANGE

[HB 1286 Roorda, Jeff](#)

Allows licensed ambulance services, licensed emergency medical response agencies, and not-for-profit organizations which provide or contract for ambulance services to establish peer review committees (LR# 3621L.01I)

Update: Read but not assigned to committee

UPDATE: NO CHANGE

[HB 1340 Dugger, Tony](#)

House Home Page. House Bill List. HB 1340. Repeals the authorization for a sales tax of up to 1% for operation costs with a specified annual reduction of the property tax levy for fire protection districts in Douglas County

Update: Read but not assigned to committee

UPDATE: This bill was assigned and heard in committee this week. Apparently there is no fire protection district in Douglas County, therefore this law allowing a fire protection district in Douglas County to enact a 1% sales tax.

HB 1344 Dugger, Tony

Changes the laws regarding the assessment and collection of volunteer fire protection association fees in Douglas County

Update: Read but not assigned to committee

UPDATE: NO CHANGE

HB 1351 Ruestman, Marilyn

Authorizes an income tax credit for volunteer firefighters who complete certain training programs

Update: Read but not assigned to committee

UPDATE: NO CHANGE

[HB 1361 -Komo, Sam](#)

House Home Page. House Bill List. HB 1361. Allows, upon voter approval, political subdivisions to replace any personal property taxes levied for funding the political subdivision with a revenue-neutral increase in the local sales tax

Update: Read but not assigned to committee

UPDATE: NO CHANGE

HB 1371 Roorda, Jeff

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 he or she is employed

Update: Read but not assigned to committee

UPDATE: NO CHANGE

[HB1403](#) --- Sponsor: [Cox, Stanley \(118\)](#) --- CoSponsor: [Sater, David \(068\)](#)

Establishes the Andrew Jackson Vote Restoration Act which requires certain elections to be held even if the number of candidates filing for a position is equal to the number of positions available

HB 1403 -- (LR# 3990L- 011)

Read Second Time (H)

Update: Read but not assigned to committee. (We opposed this bill last year)

No change

Update: This bill was heard last week, and FSA testified in opposition. We do not believe this bill will make it out of the House, and maybe not out of committee.

[HB 1419 Fallert, Joseph Jr.](#)

House Home Page. House Bill List. HB 1419. Prohibits any person, except law enforcement personnel, from climbing, standing, or working on top of any tanker trailer stopped along any highway unless proper safety precautions are taken.

UPDATE: NO CHANGE

HB 1444 Jones, Timothy W.

Requires certain public governing bodies to hold a public meeting and to allow public comment four business days prior to voting on certain issues.

Update: Read but not assigned to committee

No change

Update: Referred; Special Standing Committee on General Laws

HB 1445 Jones, Timothy W.

Changes the laws regarding the Open Meetings and Records Law, commonly known as the Sunshine Law.

Update: Read but not assigned to committee (We opposed this bill last year, although the final version late in session was not too harmful.)

UPDATE: NO CHANGE

HB 1464 Hodges, Steve

Requires health care facilities to notify local fire departments when oxygen is supplied in a residential setting (LR# 3149L.01I) We may see some changes that will not be too onerous to local departments.

Update: Read but not assigned to committee

Update: Jorgen visited with Representative Hodges, after visiting with Randy Cole on other ideas to resolve this issue, and suggested to the Representative that each person conspicuously display a placard so the fire department can be warned when arriving at their place of residents of any gases stored in the home. He liked that idea. Not yet assigned to committee.

UPDATE: NO CHANGE

HB1565 --- Sponsor: [Gray, Rochelle \(081\)](#) --- CoSponsor: [Chappelle-Nadal, Maria \(072\)](#)

Provides for fire protection district incorporation and election of board members in certain counties . This is in answer to the Northeast Fire District Fiasco. Among other things it requires a 5 member board as well as 3 year terms. (St Louis Post-Dispatch has editorialized they are in favor of this bill.)

HB 1565 -- (LR# 3880L- 01I)

Introduced and Read First Time (H)

Update: Read but not assigned to committee

UPDATE: NO CHANGE

HB1566 --- Sponsor: [Gray, Rochelle \(081\)](#)

Requires certain political subdivisions to establish a civil service commission for fire departments. This could have a significant fiscal impact on large fire departments.

HB 1566 -- (LR# 3779L- 01I)

Introduced and Read First Time (H)

Update: Read but not assigned to committee

UPDATE: NO CHANGE

[HB1573](#) --- Sponsor: [Meadows, Tim \(101\)](#) --- CoSponsor: [Schieffer, Ed \(011\)](#)

Exempts certain previously licensed emergency medical technicians whose license lapsed prior to 1998 from the education and training requirements for relicensure

HB 1573 -- (LR# 3523L- 011)

Introduced and Read First Time (H)

UPDATE: NO CHANGE

[HB1578](#) --- Sponsor: [Calloway, Don \(071\)](#)

Requires fire protection district boards to have five members and shortens terms to three years . Similar to HB 1565

HB 1578 -- (LR# 3794L- 021)

Introduced and Read First Time (H)

Update: Read but not assigned to committee

UPDATE: NO CHANGE

HB 1592 Hobbs, Steve

Authorizes Boone County to establish occupancy standards for residential rental property and to establish licensing and inspection procedures.

Update: Read but not assigned to committee

UPDATE: NO CHANGE

HB 1663 Roorda, Jeff

Authorizes certain fire protection districts to convert property taxes for emergency services to be used for general revenue purposes if the county has an emergency services sales tax.

Update: Read but not assigned to committee

UPDATE: NO CHANGE

[HB1679](#) --- **Sponsor:** [Roorda, Jeff \(102\)](#)

Changes the laws regarding certain city sales taxes and authorizes certain cities to impose, upon voter approval, a sales tax of up to 0.5% for the operation of public safety departments.

Update - Introduced

UPDATE: NO CHANGE

[HB 1681 - AMBULANCE DISTRICT SALES TAXES - Roorda, Jeff](#)

House Home Page. House Bill List. HB 1681. Allows ambulance districts to impose, upon voter approval, a sales tax in lieu of a property tax to fund the district.

Update - Introduced

[HB1693](#) --- **Sponsor:** [Schlottach, Charles \(111\)](#)

Creates an offense of endangerment of emergency personnel or emergency responders.

Update - Introduced

UPDATE: NO CHANGE

HB1706 --- **Sponsor:** Viebrock, James (134)

Removes fire protection districts in Greene County from certain audit requirements.

Update - Introduced

UPDATE: NO CHANGE

HB1769 --- **Sponsor:** Bivins, Walt (097)

Requires all public governmental bodies to make and retain a verbatim audio recording of any closed meeting.

Update - Introduced

UPDATE: NO CHANGE

SENATE BILLS

SB580 - Modifies various provisions relating to political subdivisions. Modifies various provisions relating to political subdivisions. Sponsor:.. Griesheimer. LR Number:.. 3635S.011. Fiscal Note:.. Committee:.. Jobs, Economic Development and Local Government. Last Action:.. 1/13/2010 - Second Read and Referred S Jobs, Economic Development and Local Government Committee. Journal Page:..

<http://www.senate.mo.gov/10info/bills/sb580.htm>

SECTION 94.902

This section authorizes the City of Grandview to seek voter approval to levy a sales tax of up to one-half percent to fund public safety improvements for the city. Such improvements may include expenditures on equipment, city employee salaries and benefits, and facilities for police, fire, and emergency medical providers.

UPDATE: NO CHANGE

SB638– Lemke -This act exempts retail sales of food items consummated within St. Louis County from the county's emergency services sales tax. The St. Louis County emergency services sales tax will automatically terminate five years from the effective date of the tax. Upon termination of the emergency services sales tax, St. Louis County will be permanently barred from imposing or re-authorizing such tax.

Update – Hearing Scheduled Local Gov Committee on Wednesday at 1 p.m. in the Senate Lounge. Economic dev and Local Government Committee

Update – Heard in the Senate Local Gov Committee on Wednesday at 1 p.m. in the Senate Lounge. The sponsor offered a substitute, which placed a 20 year sunset on the tax, and state during committee that he would also change the provision to allow the voters to reauthorize after 20 years instead of the existing language prohibiting a reauthorization vote. Several law enforcement entities, including St. Louis Prosecutor Bob McCullough, testified in opposition. This bill will probably be dramatically modified or die in committee. Economic dev and Local Government Committee

UPDATE: NO CHANGE

[SB 739 - Lembke](#) - Relating to fire Department employee residency requirements
1/11/2010 -- S First Read--SB 739-Lembke

Update: Read but not assigned to committee

Update: Referred S Jobs, Economic Development and Local Government Committee

Update: This bill will be heard in the Senate Jobs, Economic Development and Local Government Committee on Feb 10th.

[SB 741 - Griesheimer](#) - Allows members of an ambulance district board of directors to be subject to recall from office

Update - 1/19/2010 -- Referred to Senate Financial and Governmental Organizations and Elections Committee

UPDATE: NO CHANGE

[SB 790 - Shoemyer](#) - Relating to identifiable information in registries maintained by public governmental bodies to assist certain individuals in case of a disaster or emergency

Update – Introduced

UPDATE: Referred S Judiciary and Civil and Criminal Jurisprudence Committee

[SB 795 - Mayer](#) - Relating to blasting safety

Update - Introduced

Update – Referred to Senate Agriculture and will be heard on Wednesday

[SB 810 - Lager](#) - Modifies provisions relating to the regulation of fireworks

This act specifies that the state fire marshal has the authority to issue permits to manufacture and ship fireworks, as well as sell them. Currently, the state fire marshal cannot issue a permit to a person under eighteen years of age. Under this act, the state fire marshal shall also not issue a permit to a person who has been found guilty of or has pleaded guilty to a felony or fails to provide proof of liability insurance as required by rule.

Under this act, the state fire marshal may examine records of fireworks sales to assure compliance with the regulations on manufacturers, distributors, and jobbers selling consumer fireworks to seasonal retailers.

Update - Introduced

Update - 2/8/2010 - Hearing Scheduled S Financial and Governmental Organizations and Elections

JOINT RESOLUTIONS

[HJR56](#) - Proposes a constitutional amendment replacing the individual and corporate income tax and sales and use tax with a fair sales tax on retail sales of new tangible property and taxable services.

Update: Read but not assigned to committee

UPDATE: NO CHANGE

HJR67 - Proposes a constitutional amendment exempting from property tax all property of any citizen of the state 65 years of age or older.

Update: Read but not assigned to committee

UPDATE: NO CHANGE

HJR68 - Proposes a constitutional amendment eliminating the personal property tax and limiting the tax on real property to no more than 1% of the property's true value.

Update: Read but not assigned to committee

UPDATE: NO CHANGE

NEW LEGISLATION INTRODUCED

HOUSE

HB1976 --- **Bivins, Walt (097)** Modifies provisions of law authorizing an emergency service sales tax in St. Louis County. This is the House version of the SB638.

Update: Introduced

HB1977 --- **Sponsor: Wasson, Jay (141)** Includes emergency medical technician-intermediate in various provisions regarding licensure of emergency medical technicians

Update: Introduced

HB1991 --- **Sponsor: Schlottach, Charles (111)** Modifies provisions of law regarding emergency service boards

Update: Introduced

SENATE

Property Tax

SB588 - Modifies provisions of law requiring notices of projected tax liability On Wednesday, February 3rd the Senate Committee on Ways and Means held a hearing on SCS/SB 588, sponsored by Sen. Gary Nodler. This substitute bill permits all counties, with the exception of charter form counties and Clay County, to opt out of the provisions of SB 711 (passed two years ago) mandating that counties provide an estimated tax liability statement to property owners whose assessed valuation is increased. The bill requires additional information regarding the potential impact of increased assessment on property taxes and contact information be included in the tax impact statement that all property owners receive.

Update: Introduced

[SB736 - Modifies provisions of law regarding the collection of taxes](#) On Wednesday, February 3rd the Senate Committee on Jobs, Economic Development and Local Government held a hearing on **SB 736**, sponsored by Sen. Ryan McKenna. This bill allows certain counties of the first and second classification to collect property taxes using electronic records and disbursements. County collectors of these counties are required by the fifteenth day of each month to file, with the county clerk and auditor, a detailed statement of all taxes and license fees collected during the preceding month. Taxing authorities will be required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1. Currently, in counties without a charter form of government the collector collects a seven percent fee for the collection of delinquent taxes. In counties with a charter form of government and St. Louis City, the collector collects a two percent fee for the collection of such taxes. Under this act, in counties adopting a charter form of government after January 1, 2008, the collector shall collect a seven percent fee for the collection of delinquent taxes, while the collector in counties adopting a charter form of government before January 1, 2008, shall collect a two percent fee. The provisions contained in a county's charter authorizing the collection of a fee for the collection of back taxes which conflict with state law will control.

Currently, all counties, except counties with a charter form of government excluding St. Charles County, are required to establish a "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the collector's office. Under this act, counties adopting a charter form of government after January 1, 2008, shall be required to establish such a fund as well. In the event a county of the third or fourth classification abolishes its township organization or the county collector becomes a collector-treasurer, the collector treasurer shall assume all duties, compensation, and requirements of the collector-treasurer.

Sen. McKenna requested consent consideration on this legislation. Testifying in support was the Missouri County Collectors Association. There were no witnesses to testify in opposition and the committee took no action.

Update: Introduced

[SB881 - Modifies various provisions relating to political subdivisions](#)

SECTION 321.018

Persons contracting to provide professional services for a fire protection district shall not receive compensation after termination of the contract by the governing body of such political subdivision, except for services actually rendered.

SECTION 321.130

This section states that any fire protection district director who is found guilty of or pleads guilty to a felony shall immediately forfeit such office.

SECTION 321.711

Currently, the number of signatures required on a petition to have an election to recall a fire protection district board member is at least 25% of the number of voters who voted in the most recent gubernatorial election in that district. This act changes the number of signatures needed to 20%.

Update: Introduced