

# MISSOURI ASSOCIATION OF FIRE CHIEFS

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## EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #14 FOR 2011 SESSION APRIL 15, 2011

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### NOTE FROM EXECUTIVE DIRECTOR

- The full Senate passed a \$200,000 increase in FF training. After conference committee decides on a few other items, it will go to the governor for his signature.
- Mandatory Consolidation appears to be dead for the year, and the study committee is not making any progress either. We will continue to monitor closely.
- The bill to extend the Federal Reimbursement Allowance for Medicaid payments to ambulance services has passed the senate and the House Budget Committee. It extends the law for another 5 years versus the Senate version of a 4 yr extension. No big difference to worry about. The full House now has to finalize the bill.
- Merger of Fire Investigators and Private Investigators Boards still have made no movement. There are other consequences now for adopting this language and I will meet with the sponsor to see if we can reconcile the issues. The bill was not voted out of committee this week.
- Representative Funderburk attached an amendment to HB737, which fixes a property tax problem created by sb711 passed a few years back. This bill will be heard in the Senate Commerce Committee this week, and Chief Russ Mason will testify in support of the bill. This attempts to fix property rollback problems created by sb711 for Central County in St. Charles and Mehlville.
- House passed HJR8, a constitutional amendment replacing the individual and corporate income tax, corporation and bank franchise taxes, and sales and use tax with a sales tax on certain property and services. The Senate version of that bill was heard last week, but no further action occurred. (SJR1)

I will be highlighting in red any changes each week.

### BUDGET

- See #1 above

## FSA PRIORITIES

- **Division of Fire Safety Funding**

HB 488 -Gatschenberger- Requires driver's license examinations to only be administered in English and establishes a fee for taking the written portion of the examination or 20% of the \$15 fee to fund duties of the state fire marshal

**Bill History:-** Representative Gatschenberger heard his bill, which earmarks 20% of a \$15 fee, for taking a driver's test, to fund the duties of the State Fire Marshal's office. Jorgen worked on language with the House staff drafting the bill. It was heard in House Transportation. While there was no opposition to the bill, earmarking money is very controversial among the fiscal hawks and has an uphill climb. Thanks to Chief Randy Barnhop-Wentzville for testifying on behalf of the Fire Service in favor of the bill.

02-14-11 H Introduced not referred

HB 51      Taylor

Authorizes a \$2 surcharge to be collected in all criminal cases involving a state traffic law violation to be disbursed equally for law enforcement and fire safety training.

**Bill History:** 3-11 referred to the House Public Safety Committee  
2-21 Introduced, not yet referred  
Jorgen worked on language with the House staff drafting the bill, and believes the final version should be introduced this week.

Introduced, not yet referred

- **RESIDENTIAL SPRINKLERS**

HB 46      Diehl

Repeals a conflicting statute regarding the installation of fire sprinkler systems and removes the December 31, 2011 expiration date for Section 67.281, RSMo.

Current law requires all builders of new homes to mandatorily offer a residential sprinkler system to

all new construction home owners but bans enforcement of residential sprinkler ordinances requiring them in new 1 and 2 family structures.

We will attempt to ensure two issues are addressed in the bill; first, restrict the bill to only one and two family structures second, require light weight construction material is covered by sheet rock to enhance its fire rating to compensate for the absence of sprinklers.

**Bill History:** 3-17 Passed House and referred to the Senate Jobs Committee. This may get heard the week of the 28<sup>th</sup>.

2-21 HB 46 has passed the house and SB108 has passed the Senate, and now each chamber will review the others version, which are identical, so Jorgen sees little reason for any amendments.

2-14 Passed House

Residential sprinkler mandated offer/moratorium – After working with the House and Senate sponsors (Sen Schmitt and Rep John Diehl) we were able to come to an agreement with the homebuilders to ensure;

1. current law requiring all builders of new homes to mandatorily offer a residential sprinkler system to all new construction home owners remains;
2. the sunset is extended and not eliminated
3. the bill only applies to one and two family dwellings and townhomes as defined in the IRC
4. requires at least the 06 code fire rating if sprinklers are not installed.

The Homebuilders were very good to work with and we had an agreement in a matter of 30 minutes, BUT this was made possible due to the work Chiefs Larry Boyle and Greg Brown did over the interim with the homebuilders and keeping a good working relationship with them, and the technical assistance Jason Webb provided during the discussions.

Hearing today General Laws Cmte. Let the committee members know your feelings.

#### Sprinkler Bills Scheduled for Hearing in House and Senate (HB90, HB46 & SB108)

The House General Laws Committee will hear two bills that extend the residential sprinkler ban indefinitely. We will testify encouraging the committee to add language ensuring that the bill is only limited to one and two family dwellings and that any non -sprinkled building that has light weight construction materials is covered with drywall. We are not certain how the various HBA associations feel about these additions despite their participation in drafting satisfactory language. The bill retains the mandatory offer provision.

The Senate will hear the bill on Wednesday at 1 p.m. in the Senate Jobs and Economic Development Committee. Below are the members of the House and Senate committees. Here is the message I believe we should relay to members;

1. this ban on sprinklers was never intended for multi family dwellings such as apartments, which have been required for many years to have sprinkler systems. This bill should be limited to one and two family dwellings
2. the bill should require drywall to cover light weight construction material. The legislators need to hear why that is important however. Please explain that the 09 code without sprinklers is less stringent of a code than the 08 code, because the 09 code contemplates sprinklers being used and not carved out, therefore a suitable fire retardant substitute needs to be incorporated into the code to make up for the loss of the sprinklers.

SB 108 – Schmitt - Removes the expiration date

for provisions of law concerning the installation of fire sprinklers in certain dwelling  
HB46 Diehl (087) FIRE SPRINKLER SYSTEM INSTALLATIONS - Repeals a conflicting statute regarding the installation of fire sprinkler systems and removes the December 31, 2011 expiration date.

SB 108 -Schmitt- Removes the expiration date for provisions of law concerning the installation of fire sprinklers in certain dwellings.

This is the senate companion bill to HB 46 & 90

**Bill History:** 4-11 See above.

3-17 SB108 has passed the Senate, and passed out of the House General Laws Committee. It will be on the House debate calendar in the next few weeks.

3-11 heard in House General Laws Committee.

HB 46 has passed the house and SB108 has passed the Senate, and now each chamber will review the others version, which are identical, so Jorgen sees little reason for any amendments.

2-14 This bill is to be subsumed to HB 46 when presented in the senate.

01-20-11 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government See above for hearing.

- **FEDERAL REIMBURSEMENT ALLOCATION (MEDICAID AMBULANCE REIMBURSEMENT)**

SB 235 -Schaefer-Extends the sunsets on certain provider taxes, including the ambulance FRA.

**Bill History:-** 4-11 See above

3-17 . This bill has been replaced with SB322 and This bill was passed out of Senate Appropriations Committee and is on the Senate Debate Calendar.

This bill was heard this week before the Senate Committee on Senate-Health/Mental Health/Seniors & Families..

02-10-11 S Referred to Senate Committee on Senate-Health/Mental Health/Seniors & Families – this will most likely be heard the week of the 21<sup>st</sup>

-SB 322 -Schaefer-Extends the sunsets on certain provider taxes. (Identical to SB 235

**Bill History:-4-25 passed Senate, and heard and passed out of House committee.**

4-11 See above

3-11 On the debate calendar

03-03-11 S Referred to Senate Committee on Senate-Appropriations

4-4: Bill to be taken up this week.

HB 236 -Kelly- Extends the expiration date of various federal reimbursement allowances, including the ambulance FRA, from September 30, 2011, to September 30, 2016.

**Bill History:-02-08-11** This bill has passed out of committee and is in the House Rules Committee.

- **TAXES**

HB 45 Hoskins-121 Changes the laws regarding the Big Government Get Off My Back Act and provides an income tax deduction for certain small businesses that create new full-time jobs.

**Bill History:** 2-21 Referred to Ways & Mean Cmte.

2-09 1<sup>st</sup> Read in Senate

01-20-11 H Third read and passed (Vote: Y:136/N: 21)

HB 60

Nolte

Limits the increase in assessed valuation of residential property by the percentage of increase in the federal Social Security benefits for the elderly and disabled who own and live in their principal residence.

**Bill History:** 2-14 Public Hearing completed  
Referred to House Committee on House-Local

SJR 1

Ridgeway

Replaces all taxes on income with a sales and use tax.

**4-25 Heard before the Senate Ways and Means Committee.**

Referred to Senate Committee on Senate-Ways and Means and Fiscal Oversight

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- OTHERS OF INTEREST

## HOUSE

HB 50      Taylor      Eliminates the tax on a one-time early distribution from certain annuities or retirement plans when the distribution does not exceed 20% of the total balance of the account.

**Bill History:** 2-24 Voted do pass from senate cmte.  
2-21 This bill will be heard in the Senate Judiciary Committee this week.  
2-14 Referred to House Financial Institutions  
Introduced, not yet referred

HB 122      Webber      Requires a person conducting a home inspection to be licensed by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration.

**Bill History:** 4-18 Heard in committee and faced stiff opposition from the Realtor community  
3-11 Referred to Professional Registration  
Introduced, not yet referred

HB 145      Schoeller      Requires entities receiving state funds to publish the name and compensation of each lobbyist lobbying for the entity.

**Bill History:** 3-11 Hearing Completed  
Introduced, not yet referred

HB 160      Brandom      Restricts co-employee liability in workers' compensation cases.

**Bill History:** 01-13-11 H Referred to House Committee on House-Workforce Dev. and Workplace Safety

HB170 Nolte -      Specifies that an employer subject to certain workers' compensation provisions must be liable to furnish compensation for injury or death of an employee by occupational disease.

**Bill History** :1/13/2011 - Referred: Workforce Development & Workplace Safety

HB 192      Jones-89      Modifies and creates provisions relating to

environmental protection.

**Bill History:** 2-21 This bill was heard in the Tourism and Natural Resources Committee  
Introduced, not yet referred

-HB 242 -Fallert, Jr.- Prohibits any person, except law enforcement and emergency personnel, from climbing on or standing or working atop any tanker trailer stopped along a highway unless proper safety precautions are taken.

**Bill History:**-02-08-11 H Public hearing completed  
01-24-11 H Read second time

-HB 269 -Molendorp- Adds certain not-for-profit ambulance services to the term "public entity" as it relates to tort immunity and limits the state's liability in tort claims involving motor vehicles and dangerous conditions.

**Bill History:**-3-11 Referred to House Committee on House-Judiciary  
01-24-11 H Read second time

HB290 Gatschenberger Specifies that political subdivisions that have formed a business entity for the purpose of providing insurance coverage will not be required to solicit competitive bids when procuring risk coverages.

**Bill History:**- 3-11 Heard before the House Committee on House-Local Government  
2-9 Referred to House Committee on House-Local Government  
01-24-11 H Read second time

HB295 Hinson Specifies that any infectious disease which causes a condition of impaired health resulting in a disability or death of certain fire fighters will be presumed to have been incurred in the line of duty.

**Bill History:**- **4-25 passed out on HB's 600 (in fiscal review) & 664 (needs final approval from House, which should happen tomorrow).**  
2-23 Was heard no vote  
02-10-11 H Referred to House Committee on House-Crime Prevention  
01-26-11 H Read second time

-HB 304 -Black- Authorizes an income tax credit for certain public safety officers.

**Bill History:**- 02-04-11 H Referred to House Committee on House-Ways and Means  
01-26-11 H Read second time

-HB 312 -Gatschenberger- Allows debts owed to ambulance service providers to be collected from income tax refunds and lottery winnings of patients.

**Bill History:**- **4-25 This bill has been added to SB226, which is**



**out of the House Committee.**

02-10-11 H Referred to House Committee on House-Ways and Means

01-26-11 H Read second time

HB319 Fisher (125) - Adds all political subdivisions into the Project Labor Agreement Law. Funding of public construction projects

**Bill History:-** 3-7 Bill voted out of House-Workforce Dev. and Workplace Safety

2-21 Hearing complete no vote

02-21-11 H voting set for 12:00 PM, HR 6 House-Workforce Dev. and Workplace Safety

02-14-11 H Meeting set for 12:00 PM, HR 6 House-Workforce Dev. and Workplace

01-26-11 H Read second time

HB320 -Fisher (125) Modifies provisions relating to prevailing wage projects.

**Bill History:** 4-11 See above

**3-17 Bill voted out of House-Workforce Dev. and Workplace Safety**

3-7 Bill heard in House-Workforce Dev. and Workplace Safety

2-28 vote reset for today

02-21-11 H voting set for 12:00 PM, HR 6 House-Workforce Dev. and Workplace Safety

02-14-11 H Meeting set for 12:00 PM, HR 6 House-Workforce Dev. and Workplace

01-26-11 H Read second time

HB 378 -Zimmerman-Revises the definition of "public governmental body" as it r the Open Meetings and Records Law, commonly known as the Sunshine Law, to include certain public officials and state employees.

**Bill History:-**02-01-11 H Introduced not referred

-HB 495 -Jones-117-Adds certain emergency medical technicians to the list of persons who can report anyone diagnosed or assessed with a condition that may prevent the safe operation of a motor vehicle.

**Bill History:-** 4-25 Added to Omnibus Health bill.

**3-17 Voted out of Committee**

3-11 Public Hearing completed

02-15-11 H Introduced not referred

HB 542 -Bernskoetter- Authorizes any ambulance district formed after August 28, 2011, to impose, upon voter approval, a sales tax of up to 0.5% in lieu of a property tax to fund the district.

**Bill History:**4-18 This provision passed the Senate on SB226.

4-11 Part of SB 226

03-11 Public hearing completed (See SB226. This bill has been attached)

-HB 569 -Shively-Requires prepaid wireless service suppliers to collect a 75-cent monthly fee from its customers for 911 emergency communications services.

**Bill History:**-02-17-11 H Introduced and read first time

-HB 615 -Holsman-Establishes the Civil Disaster Response Corps to be available for call-up by the Governor or General Assembly in the event of a state emergency.

**Bill History:**-02-23-11 H Read second time

HB 635 -Silvey-Prohibits a political subdivision from restricting a firefighter from running for public office and engaging in other political activities.

**Bill History:**-3-11 Referred to House Crime Prevention and Public Safety.

02-23-11 H Read second time (companion to SB 231)

-HB 645 -Schieffer-Relating to taxes for emergency telephone services.

**Bill History:**-02-24-11 H Read second time

HB664 **House version of SB 235** received first round approval last week in the House. An amendment was added to expand the types of infectious diseases that qualify for “on the job” presumption illnesses. However, the legislature did add one qualifier, noted in yellow highlight below.

87.005. 1. Notwithstanding the provisions of any law to the contrary, after five years' service, any condition of impairment of health caused by any **infectious disease**, disease of the lungs or respiratory tract, hypertension, or disease of the heart resulting in total or partial disability or death to a uniformed member of a paid fire department, who successfully passed a physical examination within five years prior to the time a claim is made for such disability or death, which examination failed to reveal any evidence of such condition, shall be presumed to have been suffered in line of duty, unless the contrary be shown by competent evidence. **In order to receive the presumption that an infectious disease was contracted in the line of duty, the member shall submit to an annual physical examination, at which a blood test is administered.**

2. This section shall apply only to the provisions of chapter 87, RSMo 1959.

3. As used in this section, the term "infectious disease" means the human immunodeficiency virus, acquired immunodeficiency syndrome, tuberculosis, hepatitis A, hepatitis B, hepatitis C, hepatitis D, diphtheria, meningococcal meningitis, methicillin-resistant staphylococcus aureus, hemorrhagic fever, plague, rabies, and severe acute respiratory syndrome.

**HB681** Walton Gray (081) - Specifies that the provisions requiring a partisan election and conducting a party primary prior to a general election will not apply to a

candidate for school board or fire district office

*Bill History:* 4-18 Referred to House Elections (H)  
2/28/2011 - Read Second Time (H)

**HB730** - McManus (046) Revises the definition of "emergency vehicle" to include any vehicle operated by an authorized member of specified groups while responding to an emergency or in route to a fire station or ambulance garage.

We have seen this bill in the past, which allows "rescue squads" to jump calls and respond to incidents that are within the jurisdiction of another EMS provider area. We will oppose this bill.

***Bill History:* 4-25 hearing but no further action.**

4-11 No hearing scheduled.  
3/16/2011 - Referred: Crime Prevention and Public Safety (H)

**HB 750** - Hinson- Increases the amount of the fee in the proposal to establish fees for wireless enhanced 911 service to seventy-five cents.

***Bill History:***-3-17 Referred to House Utilities  
03-03-11 H Introduced and read first time

**HB760** -Johnson (028) - Adds a member of a fire department who works full-time as a fire investigator to the list of individuals who are exempt from the prohibition on carrying a concealed firearm under certain conditions.

***Bill History:*** 3/07/2011 - Read Second Time (H)

**HB769** Don Wells - Requires any contractor who engages in the installation or service of fire sprinkler systems to register with the State Fire Marshal

***Bill History:* 4-25 Heard before the Professional Registration & Licensing (H) – the proponents want to add this bill to other licensing bills moving through the legislature, but there appears to be sufficient opposition in the Senate to block it in its current version**

3/10/2011 - Referred: Professional Registration & Licensing (H)

**HB917** Hinson - Requires all fire protection districts and municipal fire departments in St. Louis County to consolidate. Several districts have recently received requests for their operating budgets, and that request is related to several legislators in St. Louis County the creation of the St. Louis County fire protection district upon voter approval. I have talked to the sponsor and he wants to work with the districts diligently and work together if this bill moves forward. It has not yet been assigned to committee.

***Bill History:* 4-25 The bill, nor the study of how consolidation would affect st.**

**Louis county FPD's and city departments, have made any progress.**

4-18 See above.

4-11 Assigned to committee, and heard but tabled.

-HJR 8 -Koenig- Proposes a constitutional amendment replacing the individual and corporate income tax, corporation and bank franchise taxes, and sales and use tax with a fair sales tax on certain property and services.

**Bill History:-** 4-18 See above

2-23 Voted do pass from cmt

2-9 Public hearing completed

01-20-11 H Referred to House Committee on House-Tax Reform

**SENATE**

**SB 8** –Goodman-Changes definitions and restricts some compensable worker compensation. This bill fast tracked. It was brought forward on February 9 and is already been perfected meaning in could be voted on in the full senate soon.

SB 139 -Crowell- Subjects all state tax credits to appropriation.

**Bill History** :-01-27-11 S Referred to Senate Committee on Senate-Ways and Means and Fiscal Oversight

-SB 141 -Crowell- Prohibits the receipt of tax credits by campaign contributors.

**Bill History:** -01-27-11 S Referred to Senate Committee on Senate-Ways and Means and Fiscal Oversight

-SB 151 -Callahan- Specifies that risk coverages procured by certain political subdivision associations shall not require the solicitation of competitive bids.

**Bill History:** -01-27-11 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government

-SB 170 -Crowell- Specifies that defined benefit retirement plans are required to submit quarterly reports on their investment performance to the Joint Committee on Public Employee Retirement.

**Bill History:** -01-27-11 S Referred to Senate Committee on Senate-Veterans Affairs/Pension/Urban Affairs

-SB 175 -Munzlinger- Modifies restrictions on the use of organized labor on public contract projects.

**Bill History:-3-17 this bill is on the Senate Debate calendar**

2-23 Referred to Small Business

01-27-11 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government

- SB 176 -Munzlinger- Modifies Missouri's prevailing wage law.  
**Bill History:-** 4-18 debated on Senate floor but no progress  
 3-11 this bill is on the Senate Debate calendar  
 2-22 Hearing conducted  
 2-21 Scheduled for hearing on 2-22-11 before the Senate Committee on Senate-Small Bus./Insurance/Industry  
 01-27-11 S Referred to Senate Committee on Senate-Small Bus./Insurance/Industry
- SB 196 -Cunningham- Restricts co-employee liability in workers' compensation cases.  
**Bill History:-** 02-07-11 S Referred to Senate Committee on Senate-Judiciary Civil/Criminal Jurisprudence
- SB 210 -Lembke- Modifies provisions of law requiring certain political subdivisions to revise property tax rates.  
**Bill History:-**02-07-11 S Referred to Senate Committee on Senate-Ways and Means and Fiscal Oversight
- SB 226-** This bill is a senate substitute bill. It allows for the recall of Ambulance district board members and allows for a vote by the citizens for a ½ cent sales tax for operations in ambulance districts that are newly formed.  
**Bill History:** 4-11 Includes HB 542  
 4-4 Passed the senate
- SB 231 -Lager- Prohibits a political subdivision from restricting a firefighter from running for public office and engaging in other political activities.  
**Bill History:-** 4-11 See above  
 3-17 This bill is on the Senate Debate Calendar.  
 3-12 This bill was passed out of committee this week. The committee substitute ensures current restrictions which prohibit a firefighter from running for another fire districts board.  
 3-7-11 A hearing was held in committee. The bill also would have allowed a firefighter to run for political office including serving on the board of another district. The sponsor amended the bill and the current statutory prohibition will remain in place (firefighter cannot run for another fire district board).  
 Jorgen believes we can exclude fire district boards from this law.  
 02-10-11 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government
- SB 235 -Schaefer-Extends the sunsets on certain provider taxes.

**Bill History:-**02-10-11 S Referred to Senate Committee on Senate-Health/Mental

Health/Seniors&Families

SB 238 -Schmitt- Creates a presumption that certain infectious diseases are duty-related for the purposes of firefighters' disability and death benefits.

**Bill History:- 4-25 In house (see 660)**

4-18 This bill was passed out of the Senate.

3-11 This bill was passed out of the Senate Judiciary Committee.

2-21 Hearing conducted

02-21-11 S Meeting set for Upon Evening Adj., Senate L...Senate-Judiciary Civil/Criminal Jurisprudence

02-10-11 S Referred to Senate Committee on Senate-Judiciary Civil/Criminal Jurisprudence

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-SB 260 -Wasson-Increases penalties for moving violations and traffic offenses occurring within an active emergency zone.

**Bill History:-**3-11 Senate Hearing conducted - Senate-Transportation

02-23-11 S Meeting set for 8:00 AM, SCR 1 Senate-Transportation

1	<a href="#">SB309</a>	NO TITLE (1663S.01I)
.	Kehoe (S06)	Allows certain ambulance and fire protection to seek voter approval for a sales tax to fund such districts Last Action: 2/24/2011 - Second Rd/Refer: Jobs,Economic Develop & Local Government(S) <a href="http://www.senate.mo.gov/11info/BTS_Web/Bill.aspx?SessionType=R&amp;BillPrefix=SB&amp;BillSuffix=309">http://www.senate.mo.gov/11info/BTS_Web/Bill.aspx?SessionType=R&amp;BillPrefix=SB&amp;BillSuffix=309</a>

SB 373 -Dempsey-Modifies the law relating to workers' compensation.

**Bill History:-**03-03-11 S Referred to Senate Committee on Senate-Small Bus./Insurance/Industry

SB 388 -Wasson- 3-17 Eliminates, combines, and revises certain state boards, commissions, committees, and councils, including eliminating the seven member Missouri Fire Education Trust Board and eliminates the requirement that money be distributed to the Fire Education Trust Fund from the Fire Education Fund, before money in the Fire Education Fund can be appropriated to the Division of Fire Safety. The act also eliminates the six member Missouri Fire Safety Advisory Board who advised the State Fire Marshal.

\*But, the act adds four members to the Missouri Fire Education Commission and renames it the Missouri Fire Safety Education/Advisory Commission. This new commission shall administer the Missouri Fire Education Trust Fund.

This bill also has language that places the Private Fire Investigator Licensing program under the Private Investigator Board which is administered by Professional Registration. FSA wants to see

this as a separate program under State Fire Marshal's office as originally written & passed. We are working with the sponsor of the bill to ensure the program remains in the State Fire Marshals office.

**Bill History:- 4-25 Heard but not voted out**

4-11 See above.

03-03-11 S Referred to Senate Committee on Senate-General Laws

4-4 The Governor states that this additional board will not be appointed and we will have to combine boards. The Sponsor wants to proceed as written, and he will place 2 fire investigators on the Private Investigator board making the composition 2 Fire, 3 Private, and 2 Public members. He will also place language in the bill that the two Fire spots have to be representatives of the IAAI and PFFIA.

Hearing should be scheduled this week.