

# MISSOURI ASSOCIATION OF FIRE CHIEFS

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## EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #18 FINAL REPORT FOR 2011 SESSION JUNE 14, 2011

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### NOTE FROM EXECUTIVE DIRECTOR

The following is a brief highlight of 2011 session. We believe that this is accurate as to what passed and what did not.

- The legislature passed a \$200,000 increase in FF training BUT the Governor vetoed the money in an attempt to cut \$57M to balance the budget.
- The bill to extend the Federal Reimbursement Allowance for Medicaid payments to ambulance services has passed and was signed by the Governor.
- Merger of Fire Investigators and Private Investigators Boards - Passed and we were successful in attaching an amendment to ensure the program's training standards and certification program for instructors remain with the Division of Fire Safety, under the Department of Public Safety. The merged board will be moved to the Department of Insurance, Finance, and Professional Registration, with all other licensing boards. Thanks to the Division of Professional Registration director and staff for working with FSA in making changes to retain the standards in DPS.
- Representative Funderburk passed the "property tax fix" needed as a result of an unintended consequence created by sb711 passed during a previous session. The State Auditor's office, Governor's office, State Council of Firefighters and Brian Schmitt, with the Joint Committee on Tax Policy were all very helpful in working toward agreed to language. Senator Lager then carried the bill on the Senate floor and is now on the Governor's desk for his signature. Thanks to Russ Mason for spearheading this effort!
- Mandatory Consolidation was introduced and heard in committee but failed to pass. A fallback position of creating an interim committee to study how to best approach/implement consolidation did get amended onto a local government bill, but it too failed to pass.
- Legislation delaying local government's ability to require sprinklers for all new residential construction passed. The new date now is 2019, but we did amend the bill

to ensure additional fire safety construction standards must be met if no sprinklers are installed.

- Legislation to earmark 20% of a \$15 fee, for taking a driver's test, to fund the duties of the State Fire Marshall's office failed to pass as it was viewed as a tax/fee increase, which it is.
- The bill which prohibited a political subdivision from restricting a firefighter from running for public office and engaging in other political activities failed.
- Legislation recognizing "rescue squads" in statute and therefore allowing them to jump calls and respond to incidents that are within the jurisdiction of another EMS provider area failed.
- 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 the last week of the session, but no further action occurred. (SJR1)

## **Budget**

The \$200,000 increase in FF training was been sent to the Governor, but was vetoed. We will work next year to increase funding for FF training. Thanks to Budget Chairmen Ryan Silvey and Senator Kurt Schaefer for holding these items and thanks to Rep John Cauthorn for assisting us in Budget Committee.

[HB917 Hinson](#) - Requires all fire protection districts and municipal fire districts 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 over the interim to determine what can be done to increase the opportunity for voluntary annexation. **A study Committee was attached to HB600, but failed in the end.**

**-Protect funding for the State Fire Marshalls office** – 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 Marshall's office. I 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.

**-HB 488 -Gatschenberger**-Requires driver's license examinations to only be administered in English and establishes a \$15 fee for an applicant to take the written portion of the examination.

**Bill History:**-was heard in House-Transportation Committee – no one opposed – **Failed to Pass**

**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.

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

**Bill History:-Passed and signed by the Governor.**

### **Licensing of Sprinkler Installers**

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

Last Action: **Failed**

### **Political Activity for Firefighters**

-[SB 231](#) -[Lager](#)-Prohibits a political subdivision from restricting a firefighter from running for public office and engaging in other political activities. The committee substitute ensures current restrictions which prohibit a firefighter from running for another fire districts board.

**Bill History:- received initial approval, but was blocked during final approval.**

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

**Bill History:-Failed**

### **Elimination and Combining of Fire Related Boards**

[HB464](#) - 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. The Governor however 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. **We attached language which keeps the instructor certification and education standards with the Division of Fire Safety.**

**Bill History:- Passed Awaiting Governor's Action.**

### **Omnibus Public Safety Bill Fails – HB600**

The substitute specifies that a person will be guilty of the crime of endangerment of emergency personnel or emergency responder if, while in an active emergency zone as defined in the substitute, the person:

- (1) Exceeds the posted speed limit by 15 miles per hour or more;
- (2) Commits a passing violation;
- (3) Fails to stop for an active emergency zone flagman or emergency personnel or fails to obey erected traffic control devices or personnel in the active emergency zone;
- (4) Drives through or around an active emergency zone by using any lane not clearly designated for that purpose;
- (5) Physically assaults, attempts to assault, or threatens to assault an emergency responder in an active emergency zone with a vehicle or other item;
- (6) Intentionally strikes, moves, or alters barrels, barriers, signs, or other devices erected to control the flow of traffic for any reason other than to avoid an obstacle, an emergency, or to protect the health and safety of any person; or
- (7) Commits certain specified traffic offenses for which points may be assessed against a person's driver's license.

Any person who commits the crime of endangerment of an emergency personnel or emergency responder will be subject to a fine of up to \$1,000 and have four points assessed against his or her

driver's license in addition to any other penalty authorized by law. If the offense results in the injury or death of an emergency responder or emergency personnel, the person will be guilty of aggravated endangerment of an emergency responder and will be subject to a fine of up to \$5,000 for an injury and \$10,000 for a death with 12 points assessed against the person's license.

This bill also includes

- (1) the expansion of infectious disease as described immediately below and;
- (2) the prohibition of texting while driving, which is controversial, and will most likely need to be stripped from the bill to make it through the Senate.

[HB664](#) passed and is awaiting the Governor's action. 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.

### **Retirement and Workers Compensation – City Departments – passed**

#### **Labor Issues**

Right to Work, debated but not finished; removal of prevailing wage, debated but not finished; minimum wage cost of living index removed; passed out of the House but dies on Senate Calendar; paycheck protection act passed the senate, but failed to make it out of Conference. This bill requires the employee's consent for public employee labor unions to use fees and dues for political purposes.

#### **Proposed Additional First Responders**

[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.

Last Action: 3/16/2011 - Referred: Crime Prevention and Public Safety –hearing but no further action - **Failed**

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-[SB 322](#) - [Schaefer](#) - Extends the sunsets on certain provider taxes. **This bill was passed on SB62.**

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-[SB 238](#) -[Schmitt](#)-Creates a presumption that certain infectious diseases are duty-related for the purposes of firefighters' disability and death benefits. **This bill is incorporated in hb664 – passed, awaiting Governor's action.**

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-[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 - **fails**

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-[HB 312](#) -[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 pubic ambulance services an individual received.

**Bill History:**- **Failed, was removed in conference committee**

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-[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:**- 2-16-11 This bill was voted out of the House Financial Institutions Committee - **Fails**

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-[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:**- referred to the House Public Safety Committee - **Fails**

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-[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:**-Heard in committee and faced stiff opposition from the Realtor community. **Fails**

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-[SJR 1](#) -[Ridgeway](#)-Replaces all taxes on income with a sales and use tax.

**Bill History:**-Heard before the Senate Ways and Means Committee. - **Fails**

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-[HB 319](#) -[Fisher](#)-Changes the laws regarding contracts for public construction projects which are funded in any amount with public funds.

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

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-[HB 320](#) -[Fisher](#)-Changes the laws regarding Missouri's prevailing wage as it relates to public works construction.

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

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-[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:**- **passed in 226, awaiting Governor's Action.**

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-[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:**-**Failed**

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-[HB 645](#) -[Schieffer](#)-Relating to taxes for emergency telephone services.

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

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[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

Last Action:- Referred to House Elections (H) - **Failed**

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[HB 691](#) -[Schad](#)-Creates the crime of endangerment of emergency personnel or emergency responder.

**Bill History:**-Contained in Omnibus Crime bill. - **Failed**

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-[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:**-03-03-11 Referred to House Utilities - **Failed**

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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.

Last Action: 3/07/2011 - Read Second Time (H) - **Failed**

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-[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:**-02-09-11 H Passed by the House but no Senate Hearing action. - **Failed**

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-[SB 175](#) -[Munzlinger](#)-Modifies restrictions on the use of organized labor on public contract projects.

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

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-[SB 176](#) -[Munzlinger](#)-Modifies Missouri's prevailing wage law.

**Bill History:**- debated on Senate floor but no progress - **Fails**

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-[SB 319](#) -[Dixon](#)-Allows debts owed to ambulance service providers to be collected from income tax refunds and lottery winnings of patients.

**Bill History:**-**Fails**

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