

# MISSOURI ASSOCIATION OF FIRE CHIEFS

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## EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #9 FOR 2011 SESSION March 14, 2011

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### NOTE FROM EXECUTIVE DIRECTOR

- **SB231, which allows firefighters more freedom to participate in political activities, was passed out of 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.**
- **The House Budget Committee will pass the State Budget out of committee and after meeting with John Cauthorn, R-Mexico; he indicated his interest in adding money to the firefighter training fund. We drafted the amendment for him, and preliminary indications are that Silvey, the Budget Chairman, will offer the amendment, which will add \$200,000 to the Fire Training line item.**
- **Several bills have been introduced to repeal the prevailing wage requirement or at least modify it dramatically, and one of those versions is on the Senate debate calendar. SB 176-Munzlinger, et al**
- **The bill to extend the Federal Reimbursement Allowance for Medicaid payments to ambulance services for another 5 years was passed out of committee.**
- **A bill to earmark a portion of driving tests to fund the fire marshals office was heard without opposition.**
- **Finally, a bill to allow St. Louis County Fire Districts to collect a sales tax like the other counties has been introduced, SB309, by Senator Mike Kehoe.**
- **Right to Work will kick off the Senate week. This issue will be debated for several hours and the question is will it ever come to a vote? Labor is strongly opposed to this bill, as you can imagine. They have done a good job of turning enough republicans to their side to block the issue from a vote.**
- **The FRA bill, extending the sunset for ambulance reimbursement, is on the Senate debate calendar.**

**I will be highlighting in red any changes each week.**

## BUDGET

The full budget committee will pass the budget bills out of committee, but not debate them on the floor until after spring break, which begins on March 17<sup>th</sup>.

As noted above, I believe the Budget Chairman will include \$200,000 for fire training, which will not be funded with existing State Fire Marshal funds. I suspect the Senate will slice a major part of this back out, but it will be subject to conference.

## 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 for 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:** 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:** **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:-** 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:-3-11 On the debate calendar**  
03-03-11 S Referred to Senate Committee on Senate-Appropriations

[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.

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

- **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:** **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:-** 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:-** 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:-** 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:-** **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:-**03-11 **Public hearing completed**

-[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 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

[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 H Introduced and read first time

**-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:-** 2-23 Voted do pass from cmte  
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:-** 2-23 Rereferred 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:-** **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 231 -Lager- Prohibits a political subdivision from restricting a firefighter from running for public office and engaging in other political activities.  
**Bill History:-** **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 238 -Schmitt- Creates a presumption that certain infectious diseases are duty-related for the purposes of firefighters' disability and death benefits.  
**Bill History:-** **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

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 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 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)
.	<a href="#">Kehoe (S06)</a>	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**

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

**Bill History:-3-11 read second time**

[SB 388](#) -[Wasson](#)-Eliminates, combines, and revises certain state boards, commissions, committees, and councils.

**Bill History:-03-03-11 S Referred to Senate Committee on Senate-General Laws**