

# Gamble & Schlemeier

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**TO:** Missouri Fire Service Alliance  
**FROM:** Jorgen Schlemeier  
**SUBJECT:** Session Report  
**DATE:** May 25, 2015

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[Senate Bill List](#)  
[Senate Committees](#)  
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**NOTE** – New information will be in Red Text

What can really only be portrayed as the most bizarre session capped off with an even more unusual conclusion that I have seen during my tenure as a lobbyist; it left most legislation stranded.

The Session began with the most unfortunate news of Auditor Schweich's death, followed 5 weeks later by his chief political advisors death. The State budget took more twists and turns than I can recall in recent years, the senate using a procedural motion that has not been invoked for 8 years to pass Right to Work and then a Speaker resigning from his post and house seat on the final day of session.

To put this in perspective, the last 6 days of legislative session is when the Senate passes 70% of all the non-budget bills for the year. That would account for approximately 120 bills, which each contains several issues per bill. This year, the final 6 legislative days saw 2 bills cross the finish line, both of which were single subject and not omnibus bills.

All of this to say, passing legislation was nearly impossible.

The Budget was finally completed, which included a \$300,000 increase for firefighter training in FY16. This came just days after the Governor released the additional \$200,000 appropriated for the current fiscal year (FY15). That will be just in time to get classes into the field before the fiscal year concludes on June 30<sup>th</sup>.

### **911 Bill Blocked by Senate**

The 911 bill made it further than it has moved in year's past, BUT it did not clear what we all knew was the highest hurdle; the Senate. The Chairman of the Senate Local Government Committee kicked off the Senate bashing parade against this item as it included a tax increase, which is the plague for those sitting legislators running for higher office. Senator Schmitt is running for State Treasurer. He was not alone in his opposition to the bill, as others want more consolidation prior to more money being spent on the 911 system. They believe this is the best opportunity for reform to the system.

Rep Lauer did a great job promoting the bill, but the Senate continues to be a hurdle we can not clear until their "consolidation" issue is satisfied.

**HB 714 Lauer(R)** Changes the laws regarding 911 emergency communications services.

**Bill History:** 05-15-15 S Set on the Senate Calendar

### **FPD Consolidation**

A consolidation/merger amendment was passed this week. It fixes an annexation issue in North St. Louis County, yes St. Louis County. After re-reviewing the language the proponents decided it did not fix their issue, and wanted it removed. This language would have allowed select fire districts in St. Louis County which have had cities annex a portion of their district to directly bill those property owners for property taxes in lieu of the cities, which in turn currently pay the district a lump sum. This bill did not make it through due to internal disputes among the proponents as well as the meltdown I noted in the opening paragraph.

### **Board Member Employment Restriction**

A bill, which precludes FPD board members to be employed by the district within one year of retiring from the board, made progress, but in the end stalled.

### **Medicaid ER Diversion Fails**

**HB 795 Hinson(R)** - Specifies that EMT's who divert MO HealthNet recipients who do not require emergency treatment from emergency departments to other facilities shall be eligible for an additional reimbursement. This bill simply allows Medicaid to pay for those services already allowed. This does not change the current protocol required. The bill initially received opposition, but once it was better defined, opposition was dropped. It did not pass.

**Ambulance FRA Extension** passed in the final minute of session prior to the Senate adjourning for the year. It was the Senate's last order of business. The bill extends the collection of the FRA for another year, which is the mechanism that funds the payments to Medicaid ambulance service providers.

### **LOD Death Benefit Fails to Pass**

**HB 33 Walker(R)** Adds emergency medical technicians to the list of public safety officers eligible for survivor's and disabled employee's educational grant program. We amended onto this bill our fix for the LOD benefit, which will allow spouses or children to apply for the LOD death benefit instead of only the estate of the deceased. The bill also included DPS officers.

This bill has broad support, but was another victim of the last week of session antics.

### **LAGERS Fails**

Allows political subdivisions to elect to cover firefighters, EMT and other law enforcement personnel as members of the Missouri local government employees' retirement system (LR# 1571H.01I) This bill will not affect districts from adjusting their levy amounts as long as the levy remains below the voter approved levy rate.

### **Property Tax Cap Remains Fails**

Representative Hinson and Senator Schatz each filed a bill to prevent taxing jurisdictions from assessing a levy higher than that approved by the voter. It is debatable whether this bill affects FPD, since I have not yet heard of a FPD attempting to impose such a levy rate. This bill warranted a lot of discussion and the sponsors were very good with which to work to resolve any unintended consequences. The bills were not pursued by the sponsors in the end.

[HB 275 Hinson\(R\)](#) Modifies provisions relating to tax rates.

[SB 223 Schatz\(R\)](#) Eliminates a provision allowing for property tax levy adjustments for inflation and modifies standing for Hancock Amendment challenges

### **EMT Liability Protection Stalled in Senate Committee**

Rep Shaun Rhoads, Chairman of Public Safety Committee, passed HB868, which relates to EMS issues, and amended the bill with the EMT liability protections we support. This bill inserted EMT's into the statute which grants liability protection to other health care practitioners when transporting a mental health or drug or alcohol patient contrary to the patient's wishes for an involuntary temporary commitment when authorized by a mental health coordinator.

He also included a revision to the **96 hour hold** rule to ensure it begins when the patient enters the ambulance so the EMS crew can legally restrain the patient if necessary.

This bill has several topics including changes to the **TIF Special Allocation Fund, Critical Time Diagnosis, and Disciplinary Action of an EMT and terms of Regional EMS Directors. The Community Paramedic provision was removed from the bill at the request of Representative Hinson. The bill likely would not have made it across the finish line, but was held by Senator Eric Schmitt in committee until the final 10 days of session. I am unclear of which portion of the bill he opposed.**

[HB 868 Rhoads\(R\)](#) Modifies provisions related to emergency medical services.

### **Public Safety Sales Taxes**

Three proposals were introduced in the House, which would have allowed cities to submit to the voters a public safety sales tax up to .5%. Liberty and North Kansas City both had specific authorization requests and Representative Charlie Davis filed a bill to allow any city the authority. Liberty and NKC progressed well on several bills, but Rep Davis' bill stalled as the legislature is very sensitive to additional sales tax authority for local jurisdictions. They all failed in the end, although the NKC and Liberty have support but were caught in the end of session black hole.

## **Filing Fee Bill Fails**

The bill to fix the \$50 filing fee for FPD director elections stalled as the session came to an end.

## **Direct Payment to Patient**

We continued to watch for any movement by BCBS to introduce language to require insurers to pay patients for claims by providers that are out of network. That is a logistical nightmare for fire agencies that run ambulance services. This would require you to collect from the patient the money they received from BCBS. Who knows how the patient would allocate those funds. A new cell phone maybe?? Nevertheless, this issue never materialized.

Related to this issue is a bill filed in the senate relating to Out of Network Medicaid Services. SB243 , sponsored by Senator Schmitt, would require Medicaid managed care companies to meet an 85% medical loss ratio (MLR), similar to that of private insurance; BUT the bill does not require a full refund of the amount they were short of the MLR. Second, the bill states;

“For services that do not meet the definition of emergency services, a Medicaid managed care organization shall be required to reimburse out of network providers at the published MO HealthNet Medicaid fee-for- service schedule at the time of the service. A Medicaid managed care organization shall document three good faith attempts to include the provider in their network, using their standard participating provider agreement and fee schedule. “

**This would have been a big problem for ambulance service providers with any level of Medicaid transports. We opposed this measure, which never made progress.**

## **Local Fire Inspection Elimination Stalled**

**HB 897 Hubrecht(R)** would have eliminated local fire inspections of long term care facilities, and placed the duty with the Fire Marshal’s office. The committee modified the bill after our objections, and instead added language that required local and state inspectors to coordinate timing of the inspections so they can occur on the same day as much as practicable. Despite that being a reasonable solution, the bill did not pass.

## **Latest information in red text**

### **Bills File to Date:**

**HB 33 Walker(R)** Adds emergency medical technicians to the list of public safety officers eligible for survivor's and disabled employee's educational grant program.

**Bill History: 05-15-15 S Set on the Senate Calendar** - We amended onto this bill our fix for the LOD benefit, which will allow spouses or children to apply for the LOD death benefit instead of only the estate of the deceased. The bill also included DPS officers.

**HB 44 Webber(D)** Requires the Department of Labor and Industrial Relations to create best practice guidelines in gender pay equality for state and local government and private businesses.

**Bill History:** 05-08-15 H Reported do pass as substituted House-Select-Labor/Indust. Relations

HB 96 Barnes(R) Establishes the requirements for certain authorized entities to stock a supply of epinephrine auto-injectors for emergency administration.

**Bill History:** 05-06-15 H Meeting set for Upon Morning Recess or Adj., HR 6 - House-Health and Mental Health Policy

HB 163 Norr(D) Establishes the Controlled Substances Contaminated Property Cleanup Act.

**Bill History:** 05-15-15 H Referred to House Committee on House-Emerging Issues

HB 193 Swan(R) Authorizes the entering of the Emergency Medical Service personnel licensure interstate compact.

**Bill History:** 03-10-15 H Referred to House Committee on House-Select-State and Local Gov.

HB 275 Hinson(R) Modifies provisions relating to tax rates.

**Bill History:** 03-17-15 H Not heard in committee House-Ways and Means

HB 286 White(R) Specifies that a person cannot be required to become or refrain from becoming a member of or paying dues to a labor organization as a condition or continuation of employment.

**Bill History:** 05-15-15 H Referred to House Committee on House-Workforce Standards and Development

HB 430 Curtman(R) Establishes the Taxpayer Transparency Act of 2015 that requires state departments to indicate in certain educational and advertising materials that the materials are produced and disseminated at taxpayer expense.

**Bill History:** 04-30-15 S Voted do pass from committee on Senate-Ways and Means

HB 444 English(D) Authorizes a tax deduction for volunteer firefighters (LR# 0063H.01I)

**Bill History:** 05-15-15 S Set on the Senate Calendar

HB 483 Davis(R) Modifies provisions relating to property assessment.

**Bill History:** 05-15-15 H Referred to House Committee on House-Emerging Issues

HB 511 Mathews(R) Adds a provision relating to annexation of property approved by a majority of the property owners.

**Bill History:** 05-04-15 S Truly Agreed to and Finally Passed

HB 514 Leara(R) Modifies provisions relating to tax increment financing.

**Bill History:** 05-06-15 H Truly Agreed to and Finally Passed

**HB 530 Roden(R)** Prohibits ambulance and fire protection district board members from being hired by the board within twelve months of serving on the board.

**Bill History:** 05-05-15 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government

**HB 628 Kirkton(D)** Establishes the "911 Good Samaritan Act" which gives a person immunity from criminal liability for a person who seeks medical assistance for a person experiencing a drug-related overdose.

**Bill History:** 02-25-15 H Referred to House Committee on House-Public Safety/Emergency Preparedness

**HB 643 Hinson(R)** Allows political subdivisions to elect to cover certain personnel as members of the Missouri local government employees' retirement system.

**Bill History:** 05-05-15 S Voted do pass as substitute from committee on Senate-General Laws and Pensions

**HB 659 Ross(R)** Prohibits the use of public funds for lobbying purposes.

**Bill History:** 04-13-15 H Voted do not pass from committee House-Government Oversight and Accountability

**HB 714 Lauer(R)** Changes the laws regarding 911 emergency communications services.

**Bill History:** 05-15-15 S Set on the Senate Calendar

**HB 760 Flanigan(R)** Extends the expiration date on various federal reimbursement allowances for three years.

**Bill History:** 05-15-15 H Set on the House Calendar

**HB 795 Hinson(R)** Specifies that EMT's who divert MO HealthNet recipients who do not require emergency treatment from emergency departments to other facilities shall be eligible for an additional reimbursement.

**Bill History:** 05-15-15 H Referred to House Committee on House-Health and Mental Health Policy– This bill will be amended onto another Medicaid bill.

**HB 847 Davis(R)** Authorizes all cities and villages, except for St. Louis City and Kansas City, to impose a sales tax of not more than .5% for public safety purposes.

**Bill History:** 05-15-15 H Referred to House Committee on House-Local Government

**HB 868 Rhoads(R)** Modifies provisions related to emergency medical services.

**Bill History:** 05-06-15 S Voted do pass as substitute from committee on Senate-Jobs, Eco. Devo. and Local Government

**HB 878 Rhoads(R)** Specifies that the Department of Public Safety must have the authority to commission corporate security advisors and establishes procedures to do so.

**Bill History:** 04-30-15 H Reported do pass House-Fiscal Review

HB 897 Hubrecht(R) Changes the laws regarding inspections of certain nursing facilities.

**Bill History:** 05-06-15 H Meeting set for Upon Afternoon Recess or Adj., whichever com - House-Select-General Laws

HB 1028 Houghton(R) Increases the filing fee for a director of a fire protection district. This is our clean up language.

**Bill History:** 05-15-15 H Referred to House Committee on House-Local Government

HB 1053 Justus(R) Modifies the membership for the 911 board for Taney County.

**Bill History:** 04-08-15 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government

HB 1067 Koenig(R) Modifies provisions relating to sales tax to require the department of revenue to collect local sales tax.

**Bill History:** 05-15-15 H Set on the House Calendar

HB 1120 Anders(D) Specifies that payments of attorney fees shall not be awarded against the state or a political subdivision thereof.

**Bill History:** 05-15-15 H Referred to House Committee on House-Civil and Criminal Proceedings

HB 1143 English(I) Specifies that fire protection districts shall provide annual reports to cities on expenditures of payments received from cities relating to property that cities have annexed.

**Bill History:** 03-11-15 H Referred to House Committee on House-Local Government

HB 1147 Hinson(R) Requires any firefighter, emergency medical technician, and first responder who has reasonable cause to believe an in-home services client has been abused or neglected to report the alleged abuse or neglect.

**Bill History:** 05-15-15 H Referred to House Committee on House-Public Safety/Emergency Preparedness

HB 1154 Hinson(R) Changes the laws regarding political subdivisions.

**Bill History:** 04-13-15 H Reported do pass as substituted House-Select-State and Local Gov.

HB 1193 McDaniel(R) Prohibits employers from asking prospective employees about their race.

**Bill History:** 03-18-15 H Public hearing completed

HB 1260 Otto(D) Exempts the residential property of certain individuals from increases in assessed valuation that are not from new construction or improvements and from rate increases.

**Bill History:** 05-15-15 H Referred to House Committee on House-Ways and Means

**HJR 23 Koenig(R)** Proposes a constitutional amendment phasing out the state individual income tax and replacing the current state sales and use tax with a state sales tax on specified retail sales and services.

**Bill History:** 05-15-15 H Referred to House Committee on House-Ways and Means

**SB 26 Sater(R)** Establishes requirements for authorized entities to stock epinephrine (EPI) auto-injectors for use in emergencies.

**Bill History:** 04-22-15 S Public hearing completed

**SB 114 Kraus(R)** Allows school and library districts to be reimbursed for 50% of their tax increment under a TIF plan.

**Bill History:** 03-04-15 S Hearing conducted

**SB 121 Walsh(D)** Allows third and fourth class cities to adopt certain ordinances relating to residential rental property.

**Bill History:** 01-22-15 S Referred to Senate Committee on Senate-Jobs, Eco. Devo. and Local Government

**SB 167 Schaaf(R)** Extends the sunset on certain healthcare provider reimbursement allowance taxes.

**Bill History:** 05-15-15 S Set on the Senate Calendar

**SB 210 Schaefer(D)** Extends the sunset on ambulance provider reimbursement allowance taxes.

**Bill History:** 05-15-15 H Truly Agreed to and Finally Passed

**SB 221 Schatz(R)** Exempts annexations in certain municipalities from the review requirements of the St. Louis Boundary Commission.

**Bill History:** 05-15-15 H Set on the House Calendar

**SB 223 Schatz(R)** Eliminates a provision allowing for property tax levy adjustments for inflation and modifies standing for Hancock Amendment challenges

**Bill History:** 03-05-15 S Hearing conducted

**SB 250 Onder(R)** Creates the Missouri Electrical Industry Licensing Board and licensure requirements for a statewide electrical contractor's license.

**Bill History:** 03-18-15 S Hearing conducted

**SB 261 Schaefer(D)** Extends the sunset on the ground ambulance service reimbursement allowance tax to September 30, 2016.

**Bill History:** 03-18-15 S Voted do pass from committee on Senate-Appropriations

**SB 409 Wallingford(R)** Modifies provisions relating to emergencies.

**Bill History:** 05-15-15 S Set on the Senate Calendar

**SB 412 Romine(R)** Modifies laws regarding arbitration agreements between employers and at-will employees.



**Bill History:** 02-24-15 S Referred to Senate Committee on Senate-Small  
Bus./Insurance/Industry

**SB 430 Curls(D)** Requires cities, towns, and villages proposing to annex a portion of a state highway to also annex a specified portion of the area on either side of the highway.

**Bill History:** 05-05-15 H Voted do not pass from committee House-Local Government

**SB 515 Sater(R)** Requires emergency medical technicians, firefighters, and first responders to be mandatory reporters for in-home services client abuse or neglect.

**Bill History:** 03-10-15 S Referred to Senate Committee on Senate-Veterans Affairs and Health

**SB 536 Schaaf(R)** Requires state agencies to waive certain privileges with regard to documents requested by members of the General Assembly.

**Bill History:** 03-10-15 S Referred to Senate Committee on Senate-General Laws and Pensions