

# MISSOURI ASSOCIATION OF FIRE CHIEFS

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## EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #3 FOR 2011 SESSION January 31, 2011

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### NOTE FROM EXECUTIVE DIRECTOR

As you can tell from the “rapid movement” of some bills and the introduction into the senate a couple of others, that the republicans are very serious about the sprinkler legislation. If you have anything to say to your legislators, you had better do it soon. The links above will give good information on who to contact on specific committees as well as information for contact with anyone in the legislature.

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

### BUDGET

Gov. Jay Nixon delivered his 2011 State of the State this week outlining his legislative and budget agendas for this session. Below are highlights as they pertain to us. The first good take is no cuts to the fire service. Now that the Governor has announced his budget, the respective appropriations committees will begin hearing from the departments on the Governor’s recommendations. The Governor recommended funding at current level. As Wall Street says, “flat is the new up”. We hope this is the last year of budget deficits and can begin restoring funding for State Fire Marshalls office next fiscal year.

Fiscal Year 2012 Governor’s Division of Fire Safety Recommendations  
(\$2,987) Cigarette Fire Safety Standard and Firefighter Protection Act Fund core reduction for one-time expenditures.  
(\$1,017) core reduction from the Fiscal Year 2011 appropriation level.

### Senate Cost Saving Ideas

President of the Senate, Senator Mayer, chaired a hearing this week to review the recommendations of the "Reboot Government" work groups. The final report hasn't been published but the audio and power point of the hearing can be found at <http://www.senate.mo.gov/RebootMO/RebootMOMain.html>

There are several interesting ideas in here, but not sure which ones will be implemented.

### Senate Approp Hearings – Public Testimony

The Senate appropriations committee, led by its new Chairman Senator Kurt Schaefer from Columbia, held public testimony hearings this week.

## **FSA PRIORITIES**

With the current state of affairs, the FSA will be almost entirely reacting this year. Positively to some bills and negatively to many more. The climate for new expenditures is almost completely shut down.

In addition, a number of bills changing tax structures etc have already been introduced and “it ain’t pretty”.

- **Division of Fire Safety Funding**

Representative Gatschenberger will file a 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.

[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:** Introduced, not yet referred

- **RESIDENTIAL SPRINKLERS**

All the following bills being considered or already introduced will ban the enforcement of any residential sprinklers in 1 and 2 family dwellings. The FSA will be fighting these without some compromise in the language

[HB 46](#) Meadows

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

**Histo**

**ry:** 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.

#### **House General Laws Committee**

Franz, Ward, Chair  
Richardson, Todd, Vice Chair  
Colona, Mike  
Cross, Gary L.  
Day, David  
Funderburk, Doug  
Houghton, Jay  
McCaherty, John  
McDonald, Tom  
McManus, Kevin  
Parkinson, Mark  
Pollock, Darrell  
Scharnhorst, Dwight  
Schupp, Jill  
Sifton, Scott

FSA is looking at attempting a compromise to improve the protection of roofs and floors built with truss construction.

#### [HB 90](#)    [Scharnhorst](#)

Prohibits a political subdivision from adopting an ordinance, rule, or code that would require mandatory installation of a sprinkler system in new residential construction.

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:** Will be heard in Committee this week – see above

This is the outright ban with no mandatory options to be considered.

- **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:* 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:* Referred to House Committee on House-Local

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

*Bill History:* Referred to Senate Committee on Senate-Ways and Means and Fiscal Oversight

- **OTHERS OF INTEREST**

[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:* 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:* 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:** 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:** Introduced, not yet referred

-HB 236 -Kelly- Extends the sunset date of various federal reimbursement allowances from 2011 to 2016.

This bill will extend the Federal Reimbursement Allocation that will expire December 31, 2011 to December 31, 2016.

**Bill History:-** 01-20-11 H Read second time. **01-25-11 H Referred to House Committee on House-Budget**

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

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

## NEW BILLS

HB268 Lasater **Prohibits any person or business from engaging in blasting, excavation, or mining within one mile of a business or residential area.**

**Bill History:-01-24-11 H Read second time**

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-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:-01-24-11 H Read second time**

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HB290 Gatschenberger (013) **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:-01-24-11 H Read second time**

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HB295 Hinson (098) **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:-01-26-11 H Read second time**

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

**Bill History:-01-26-11 H Read second time**

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

**Bill History:-01-26-11 H Read second time**

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HB319 Fisher (125) - **Adds all political subdivisions into the Project Labor Agreement Law.**

**Bill History:-01-26-11 H Read second time**

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

**Bill History:-01-26-11 H Read second time**