

MISSOURI ASSOCIATION OF FIRE CHIEFS

EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #5 FOR 2011 SESSION February 15, 2011

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NOTE FROM EXECUTIVE DIRECTOR

I will be highlighting in red any changes each week.

After the snowstorm pushed session back a week, they are at full speed once again. The “fix six” business issues below continue to move despite a temporary set back the Senate had, according to the business community, mid week on the workers compensation bill.

Of the bills making movement this week were the workers compensation fix (co-employee liability), the minimum wage fix (removing the cost of living index), and the unemployment compensation bill (allowing the state a longer period to repay the fed unemployment comp loan, easing payments on employers). Also see SB8 below concerning the issue of infectious disease and worker compensation.

The House Appropriations Committees will begin their work this week, and Jorgen will be sure to stay in close touch with the State Fire Marshals office as we will want to make calls in the event any additional cuts are proposed.

Several bills have been introduced to repeal the prevailing wage requirement or at least modify it dramatically. None have passed to this point.

Also, a bill was filed to allow firefighters of one department or district to serve on the board of another district. I do not have the bills number. I will get it and send it out next week.

Finally, a bill to allow St. Louis County Fire Districts to collect a sales tax like the other counties will be introduced soon.

BUDGET

The full budget committee has asked the sub appropriations committees to begin making modifications to the Governors proposed budget and have their recommendations completed by the end of the month. I anticipate little change to the Governors recommendations. More encouraging numbers were reported last week (January's numbers) regarding the growth of Missouri's economy and specifically the state's fiscal forecast. Representative Chris Kelly, a long time supporter of the fire industry due to the relationship he had with the former Boone County Fire Chief, and believes he will be sensitive to our budget requests for the Fire Marshals office.

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: **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**

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](#) [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: 2-14 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.

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: **2-14 Has been dropped in favor of HB 46.**
Will be heard in Committee this week – see above

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

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:- 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:-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 21st**

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: **2-09 1st 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.

Bill History: 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: **2-14 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: 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 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
- 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
- [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
- 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:- 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:- 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:- 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:- 02-14-11 H Meeting set for 12:00 PM, HR 6 House-Workforce Dev. and Workplace
01-26-11 H Read second 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:- 2-9 Public hearing completed
01-20-11 H Referred to House Committee on House-Tax Reform

SENATE

- 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:- 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:- 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 231 -Lager- Prohibits a political subdivision from restricting a firefighter from running for public office and engaging in other political activities.
Bill History:- **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:- **02-10-11 S Referred to Senate Committee on Senate-Judiciary Civil/Criminal Jurisprudence**

NEW BILLS

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 it could be voted on in the full senate soon.