

# MISSOURI ASSOCIATION OF FIRE CHIEFS

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## EXECUTIVE DIRECTOR REPORT LEGISLATIVE REPORT #6 FOR 2011 SESSION February 21, 2011

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### NOTE FROM EXECUTIVE DIRECTOR

I will be highlighting in red any changes each week.

The House Appropriations Committees began their work this week, and while we initially heard the State Fire Marshalls office was going to lose another \$250,000, that was not the case and they should hold on to the funding the governor recommended.

Several bills have been introduced to repeal the prevailing wage requirement or at least modify it dramatically, and those will be heard this week.

Finally, a bill to allow St. Louis County Fire Districts to collect a sales tax like the other counties will be introduced soon, but I have not yet seen it, the ambulance association has filed one for their districts.

### BUDGET

The full budget committee has asked the sub appropriations committees to finish their proposed changes to the Governors proposed budget. They are nearly complete and the State Fire Marshalls office looks safe from cuts despite rumblings additional cuts were on the horizon.

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 Marshalls office. After speaking with him, he did once again mention that he would like to see fewer fire districts/departments and see how some consolidation could occur.

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**

**2-21 See budget above.**

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:**

**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**

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:** **2-21 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.

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

[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:** **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:**-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>

[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 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.

**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:** **2-21 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:** 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:** **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

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:**- **02-21-11 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:**- **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

- 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 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:-** 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:-** **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 231 -Lager- Prohibits a political subdivision from restricting a firefighter from running  
for public office and engaging in other political activities.  
**Bill History:-** **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:-** **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

## NEW BILLS

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**

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-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.**  
**Bill History:- 02-14-11 H Introduced not referred**

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-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:- 02-15-11 H Introduced not referred**

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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:-02-17-11 H Introduced and read first time**

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:-02-23-11 S Meeting set for 8:00 AM, SCR 1 Senate-Transportation**