

MISSOURI ASSOCIATION OF FIRE CHIEFS

EXECUTIVE DIRECTOR REPORT

**15th & LAST REGULAR LEGISLATIVE REPORT
FOR 2009 SESSION
MAY 23, 2009**

The legislature has concluded their 2009 session. Like many, each session is unique to all the others, and this year was no different. The Budget became the focal point since the state revenues were down coupled with the large influx of federal dollars via the stabilization and stimulus funds.

Jorgen has not been able to review every provision of every bill that has passed yet, but will send out supplement updates as he learns about provisions affecting us that are not in his report.

The FSA worked closely with the State Council of Fire Fighters, and ambulance associations to get many of these items accomplished.

STATE BUDGET

The Fire training fund was reduced by \$100,000, leaving the fund with \$450,000 for fy2010, which begins on July 1, 2009. We will attempt to restore the \$100,000 for next year if revenues outperform projections.

HB22 included money, via the Office of Administration, for a statewide interoperable communications system for the Missouri State Highway Patrol and other state agencies in the amount of \$111,700,000.

FSA BILLS FOR 2009

#1-911 FUNDING FAILED

This issue continues to be an uphill climb. Any new funding mechanism without dramatic consolidation of agencies has virtually no chance of passing. The agencies have been assigned the task of developing a plan to consolidate and present that to the House and Senate before further movement on the bill occurs. The appetite for any tax increase without the vote of the people is nearly zero.

SB 119 **Griesheimer** Authorizes the imposition of a fee on wireless phone services to fund enhanced 911 service.

Bill Activity: This bill was heard this week before the Senate Committee on Commerce, Energy and the Environment – The committee as you can imagine did not receive this bill without a plan to spend the funds more efficiently primarily by consolidating the 911 centers.

#2-FIRE SAFE CIGARETTE PASSED

HB 205 **Parson** Establishes the Fire Safety Standard and Firefighter Protection Act which prohibits the sale of any cigarette that has not been tested, certified, and marked that it's paper has met certain performance standards.

Bill Activity: This bill has passed and is waiting for the Governor to sign. There was concern initially that the Governor would consider a veto as his staff was unclear as to whether our bill removed cigarettes from other regulations that currently apply. We do not read the bill in that manner, and hope that their concerns are not well founded, with the commitment that we can amend the bill next year to ensure this legislation does not excuse the cigarette manufacturers from complying with existing regulations.

#3-EMERGENCY DISASTER RESPONSE FUND FAILED

No bill was introduced during this session. More work will need to be done to even begin this process.

#4-SB 711 FIX PASSED

The Property tax fix for local political subdivisions passed on several bills. The bill authorizes political subdivisions, for tax year 2009, to levy a property tax rate sufficient to generate as much revenue as was produced in the 2007 tax year, excluding new construction and improvements, as long as the rate does not exceed the greater of the rate in effect for the 1984 tax year or the most recent voter-approved rate. This bill also allows you to levy as much as 2008 as well, but since 2008 was a down year for many taxing jurisdictions, it allows 2007 to be used as another base year. The bill also states:

Any political subdivision that levies a tax rate greater than the most recent voter-approved tax rate shall provide notice of such fact in a newspaper of general circulation within such political subdivision:

- (1) No later than fourteen days following the setting of such tax rate;
- (2) At least once between October fifteenth and November fifteenth of such tax year; and
- (3) On December fifteenth of such tax year.

12. For all tax years beginning on or after January 1, 2010, the county collector shall include in each taxpayer's tax bill the current tax rate and the most recent voter-approved tax rate for each purpose for each political subdivision located at least partially within the county levying a tax on property.

Fortunately, none of the other more onerous tax reform, which would have placed many political subdivisions in financial harm, did not pass. While tax reform is a popular topic and one we should be mindful and supportive of, it needs to be done without a mechanism that requires the same tax to be re-voted indefinitely.

#5-TAX SAVINGS FOR VOLUNTEERS FAILED

After much discussion about tax credit reform, our introduction of yet a new tax credit was in the wrong place at the wrong time. The tax credit would have helped offset training expenses for volunteer firefighters. This bill had a high fiscal note and was tough to get legislators, especially in the Senate side, to consider yet another tax credit when all other tax credits were being either capped or eliminated.

HB 204	Ruestman	Beginning January 1, 2009, this bill authorizes an annual \$180 income tax credit for volunteer firefighters who complete during the year at least 12 hours of any firefighter training program approved by the Office of the State Fire Marshal within the Department of Public Safety. If the firefighter completes at least 36 additional hours of training after the initial 12 hours of training during the year, the firefighter may claim a \$360 credit. The tax credit is not refundable but can be carried forward for four years.
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Bill History: This bill was voted out of the House Committee on House-Public Safety but did not progress due to the Senate tax credit reform movement.

BILLS WE ASSISTED IN

MUTUAL AID CHANGES PASSED

HB 103	Wildberger	Allows the executive officer of any public safety agency to enter into a mutual-aid agreement for reciprocal emergency aid and specifies that the Department of
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Public Safety will administer the state system. Specifies that any employee of a political subdivision or public safety agency responding to an emergency, disaster, or public safety need that is not declared by the Governor as an emergency is subject to the liability and workers' compensation provisions provided to him or her as an employee of the subdivision or agency.

Bill Activity: This bill has passed. It contains a few provisions. **First**, the bill cleans up the mutual aid law as described above. **Second**, it establishes the Public Access to Automated External Defibrillator Act which grants immunity for civil damages to any person who gratuitously and in good faith renders medically appropriate emergency care using an automated external defibrillator. **Third**, we made an agreement with the homebuilders to not enact the residential sprinkler portion of the 09 code and in exchange the homebuilders agree that they will not seek an extension to the moratorium regarding residential sprinkler ordinances, other than what they can get each local political subdivision to agree to when adopting the code locally. **Fourth**, is a provision establishing criteria for elevator inspectors, which will be filed by rule by the Department of Insurance and Professional Registration.

INCREASE STATUTE OF LIMITATION ON ARSON PASSED

We changed the statute of limitations on Arson in 2003, from 3 years to 5 years, but since that time the law was accidentally changed back to the old law. HB62 passed which restored the statute of limitations to 5 years.

LINE OF DUTY DEATH COMPENSATION PASSED

HB 580 - LINE OF DUTY COMPENSATION ACT - Bruns, Mark J. and Senator Tom Dempsey - This bill was passed after minor cleaning in the senate. The bill as originally drafted could have allowed long term illnesses, which eventually lead to death, that were a result of exposure to the harmful working conditions to be compensated under this bill. One senator who supported the bill modified the language to ensure that an accident is the cause of death. The benefit is subject to appropriations, which means we will have to fund the program next session, but I anticipate that is an achievable task. The bill allows for a \$25,000 death benefit, and the act will sunset after 6 years, and if reauthorized will then sunset 12 years from the reauthorization of the General Assembly.

SB 332 Dempsey Provides additional workers' compensation benefits for public safety workers killed in the line of duty.

Bill History: Passes

FEDERAL REIMBURSEMENT ALLOCATION PASSED

HB 459 Schaaf Creates a federal reimbursement allowance for ground ambulance services. This is the bill that will allow more federal dollars to be used for reimbursements to ambulance emergency services reimbursements.

Bill History: Passed

SB 307 Dempsey Imposes a gross receipts tax on certain ambulance service providers.

Bill History: Passed

INTEROPERABLE CLEAN UP FAILED

SB 494 Griesheimer Allows certain counties to seek voter approval for a sales tax to fund interoperable emergency communications. Under current law, any county which has established an emergency communications system commission may, upon voter approval, levy and collect a property tax to fund the establishment, operation, and maintenance of an emergency communications system. This act would give such counties the option to seek voter approval to impose the property tax or a sales tax not to exceed one-tenth of one percent to fund the establishment, operation, and maintenance of an emergency communications system. The Department of Revenue will collect the sales tax revenues and deposit them into the newly created county emergency communications fund for distribution to the counties from which they were collected

Bill History: This provision was included in the local government bill, which was voted down on the final day after clearing the conference committee. The bill failed due to a fee increase on deeds that the House could not support.

SALES TAX FOR REMAINDER OF FIRE DISTRICTS IN STATE FAILED

The sales tax provisions for fire districts had been amended into the omnibus local government bill, however it was extracted from the bill before the final version was brought to the floor which also failed.

PEER REVIEW FAILED

HB 448 **Roorda** Allows licensed ambulance services, emergency medical response agencies, and not-for-profit organizations which contract for ambulance services to establish peer review committees. As you know we have tried to pass this bill over the past several years and is blocked by the plaintiffs bar.

Bill History: Failed

BILLS WE OPPOSED

HAZARDOUS MATERIAL SPILL LEGISLATION FAILED

SB 462 - Crowell - This bill failed, however it does not mean the issue has gone away. We will continue to work to ensure reasonable charges are billed to entities requiring services, and at the same time ensuring that your expenses are covered.

This bill would have modified provisions pertaining to hazardous substance spills and emergencies. Under current law, when more than 50 gallons of petroleum, natural gas, natural gas liquids, liquefied natural gas, or synthetic gas are spilled or released, it is considered a hazardous substance emergency. This act changes the minimum threshold to 3,000 gallons.

Under current law, if a political subdivision or volunteer fire protection district provides services in response to a hazardous substance emergency, the person who controls the hazardous substance is liable for reasonable and necessary costs incurred by the political subdivision or fire protection district. This act limits the person's liability to 25% of the reasonable and necessary costs. This bill is very problematic for our responding agencies. Several fire chiefs testified in opposition, with testimony being led off by Chief Greg Brown. The Warrenton Oil company incident, where the responding agency billed the company for \$117,000 for hazmat response. After appeal to the Dept of Natural Resources, the cost was

cut nearly in half to \$58,000. This does show that the process we currently have in place works, as the appeal mechanism worked to the benefit of the business owner.

When speaking with your legislator be sure to stress three points; First, these costs billed to businesses are not for normal firefighting activities, they are only billed when a hazardous material, as defined by the Dept of Natural Resources, are involved.

Second, we worked last year with the business and agriculture community to draft compromise language which allowed for a “friendlier” appeal mechanism which apparently works.

Third, the proponents would like to prohibit any charges billed to an entity with a hazmat incident if the responding agency contains any public funding. This obviously does not work for several reasons:

First, if it has any public funding, it may only have 10%, and therefore you could not recover your costs.

Secondly, it does not specify whose public funding supports the hazmat team. If FPD A is funding the team, and is called to an area outside of their dist boundaries, then why should FPD A’s taxpayers pay for a business outside the boundaries of FPD A.

Finally, if several political subdivisions each participate in supporting a hazmat team, then response to any person within those multiple jurisdictions would not be subject to a charge. We do not want to encourage each response agency to have their own hazmat team, we want them to collaborate making it cheaper on their taxpayers.

MANDATORY ELECTION LAW FAILED

[HB 173 Cox, Stanley](#) Establishes the Andrew Jackson Vote Restoration Act which requires certain elections to be held even if the number of candidates filing for a position is equal to the number of positions available. This essentially requires an election to be held in the event that the candidate is uncontested for each slot up for election. This would cost local governments money to hold an election.

OTHER BILLS OF POTENTIAL INTEREST

SB 99 **Cunningham** Establishes the predictable property tax act.

Bill History: Failed

This act establishes the Predictable Property Tax Act which, beginning August 28, 2009, freezes the assessed valuation of real property at the 2006 assessed value or at the acquisition price of property purchased after the effective date of the act and sets the tax rate at one percent. The assessment can be adjusted for cost-of-living increases up to two percent annually. Real property tax revenues are limited to the 2006 real property tax revenues for each county, excluding new construction, improvements, and cost-of-living increases. If the market value of a home declines, the assessed valuation must decrease. The limitations will not apply to any voter-approved tax increase, bond indebtedness, or special assessment. Any taxpayer age fifty-five or older can transfer the assessed value of his or her current home to any replacement home of equal or lessor value. The act allows the transfer of property up to \$1 million in assessed value to children or grandchildren without reassessment.

HB 655 **Fischer** A taxpayer shall be allowed a tax credit for hours worked in reserve status, including reserve firefighters. The tax credit amount shall be equal to ten dollars per hour the taxpayer worked in reserve status, but shall not exceed two hundred fifty dollars per month nor three thousand dollars per taxable year per taxpayer claiming the credit

Bill History: FAILED

HB 564 **Scavuzzo** Authorizes the City of Peculiar to impose, upon voter approval, a sales tax of up to 0.5% for the operation of public safety departments.

Bill History: Failed

SB 164 **Justus** Allows the City of Grandview to seek voter approval for a sales tax to fund public safety improvements.

Bill History: Failed

TIF Reimbursement modification Fails

HB 1145 Roorda, Jeff – 99.848. Notwithstanding subsection 1 of section 99.847, any district providing emergency services pursuant to chapter 190 or 321, RSMo, shall be entitled to reimbursement from the special allocation fund in the amount of at least fifty percent nor more than one hundred percent of the district's tax increment, **and the ambulance district board or fire protection district board shall set the refund amount rate before the assessment is paid into the special allocation fund.**

HB 316	Jones-89	Changes the laws regarding the Open Meetings and Records Law , commonly known as the Sunshine Law failed. This bill had much debate and the Senate committee amended the bill to make it a political subdivision friendly bill. The press association was not pleased and the bill failed to progress any further.
	Bill History:	This bill makes several BAD modifications to the open records laws, most of which I think we won't support. I did attend the hearing and talked to Representative Jones afterwards. He made many of the changes we suggested and our opposition was diminished, however the bill failing is as good of a result. The Missouri Press Association supported the bill. One of the most problematic provisions is changing the standard of proof for a defense against a violation of the open records law. Several years ago we fought to ensure the standard was a "knowingly" standard, which has been eliminated and replaced with a strict liability standard. This is similar to a speeding ticket. Your either speeding or not, no explanation of circumstances allow for variation. FAILED
HB 108	Bivins	Requires all public governmental bodies to make and retain a verbatim audio recording of any closed meeting.
	Bill History:	Failed
HB 124	Komo	Requires the Joint Committee on Terrorism, Bioterrorism, and Homeland Security to include the feasibility of compiling information relevant to immigration enforcement issues in their studies.
	Bill History:	Passed
HB 225	Emery	Changes the laws regarding the membership of the Elevator Safety Board within the Department of Public Safety.
	Bill History:	Failed
HB 442	Roorda	All basic life support ambulances and stretcher vans to be equipped with an automated external defibrillator and be staffed by at least on individual trained in its use.
	Bill History:	failed

HB 591	Sutherland	Authorizes voters to petition for an election to lower the tax rate ceiling of a political subdivision.
	Bill History:	Failed
HB 601	Scharnhorst	Limits increases in assessed valuation on principal residences to the percentage of increase in the Consumer Price Index in the previous year.
	Bill History:	Failed
HB 625	Parkinson	Exempts personal and residential property owned by certain taxpayers 65 years of age or older from increases in assessed valuation and limits increases in their personal and property tax.
	Bill History:	Failed
HB 1023	Dougherty	Prohibits blasting, excavation, and mining within 1,320 feet of any residentially zoned property within a political subdivision.
	Bill History:	Failed
SB 5	Griesheimer	Creates the Missouri County Planning Act.
	Bill History:	This bill received first round approval from the Senate but is now having a difficult time receiving enough votes for the final vote before being sent to the House. – Failed
SB 102	Green	Creates the "Political Subdivision Services Bidding Standards Act".
	Bill History:	Failed
SB 122	Griesheimer	Allows members of an ambulance district board of directors to be subject to recall from office.
	Bill History:	Failed

[HB 697](#) [Cooper-155](#) Adds state and political subdivision employees to the term "volunteer" as it relates to persons who can dispense medications for the Department of Health and Senior Services during emergencies.

Bill History: Failed

[SB 232](#) [Cunningham](#) Prohibits certain public agencies and political subdivisions from discrimination based on an individual's elementary and secondary education program.

Bill History: Passed

[SB 247](#) [Schaefer](#) Allows counties of the first classification to control the minimum standards of occupancy for residential units rented or leased and to develop a licensing and inspecting program. This is a Fire Building Code bill. This will certainly invite much discussion.

Bill History: Failed

[HB 447 - MANDATORY FIRE CODES - Roorda, Jeff](#) –This bill was heard before the House Public Safety Committee. The labor groups support the bill and the homebuilders want “residential dwellings” eliminated from the requirements of the bill. **Failed**

[SB 284](#) [Lembke](#) Modifies the provisions governing fire department residency requirements. This eliminated the provision that requires St. Louis city firefighters to reside in the city limits.

Bill History: Failed

[SB 309](#) [Bray](#) Enacts a state-wide smoking ban.

Bill History: Failed

Another year has come and gone, some good things and some not so good things occurred. The FSA will begin looking at next year’s session in August. Have a safe year.