

MEMORANDUM

TO: St. Joseph Area Legislative Partnership

FROM: Mark Rhoads and Trent Watson

RE: Legislative Report

DATE: February 4, 2011

In the news...

- The crippling snowstorm played havoc with the legislative process this week. The House and Senate conducted session on Monday and Tuesday, and subsequently cancelled most all legislative activities for the week. Approximately 100 lawmakers were stuck in the capitol on Tuesday evening, but most departed for home on Wednesday. As a result, this week's report is fairly short.
- In political news, U.S. Senator Claire McCaskill has come under fire for allegedly discouraging the holding of the 2012 Democratic National Convention in St. Louis in private discussions with key democratic officials. McCaskill refuted a New York Times story that indicated that she had discussions with party officials and raised the prospect of whether a St. Louis convention would complicate her re-election efforts. Senator McCaskill responded that she always supported St. Louis as the convention site and said that she may have pushed too hard.
- Republican Ed Martin, who narrowly lost a bid to seat incumbent Congressman Russ Carnahan, announced on Monday his candidacy for the U.S. Senate race in 2012. Former State Treasurer Sarah Steelman (R) is also a candidate and others will most likely file for the office. The republican victor will face incumbent U.S. Senator Clair McCaskill (D). Meanwhile, U.S. Congressman Sam Graves announced on Friday that he would not seek the republican nomination for the Senate race.
- This week, the Missouri House passed a bill that would require recipients for Temporary Assistance for Needy Families (TANF) to pass a drug test to continue to receive such benefits. A person failing the drug test would be denied additional benefits for a period of one year.
- Former Governor Matt Blunt (R) has accepted a position as the new president of the American Automotive Policy Council, an entity created by Chrysler, GM and Ford. Blunt said that he will emphasize the U.S. automakers role in manufacturing and will expand the policy considerations of the Council to include fuel efficiency and fair trade issues.
- This week, the Senate gave first-round approval to a bill that would prohibit texting while driving. Violations would be considered an infraction, punishable by a fine of up to \$200.

Floor Action

UNEMPLOYMENT INSURANCE BENEFITS: The House Committee on Workforce Development and Workplace Safety held an executive session and voted Do Pass HB 163 sponsored by Rep. Fisher (R-Bates). In order for Missouri to receive recently approved additional federal extended unemployment benefit funds, this bill changes the laws regarding unemployment compensation. Monday, the House perfected this bill and adopted one amendment that would extend the time period that the state could bond to pay back the borrowed federal UI dollars from 10 years to 20 years (HB 226). Tuesday, the House Third Read and Passed this bill by a vote of 131 Yeas and 8 Nays.

DRUG TESTING FOR TANF RECIPIENTS The House Third Read and Passed by a vote of 116 Yeas and 27 Nays HCS HB 73 & 47 sponsored by Rep. Brandom (R-Cape Girardeau). This substitute requires the Department of Social Services to develop a program to screen and test each work-eligible applicant for or work-eligible recipient of Temporary Assistance for Needy Families (TANF) Program benefits who the department has reasonable suspicion to believe, based on the screening, engages in the illegal use of controlled substances.

OCCUPATIONAL DISEASE WORKERS' COMPENSATION FIX: The Speaker has placed HB 162 on the calendar for perfection. HB 162 addresses the precedent set by the *Franklin v. CertainTeed Corp.* court ruling which, in essence, moved occupational disease claims from the workers' compensation system into the courts. In response to the business communities "Fix the Six" agenda, HB 162 essentially reverses the court's ruling.

Committee Action

CO-EMPLOYEE WORKERS' COMPENSATION CASS: This week the Senate Committee on Judiciary, Civil and Criminal Jurisprudence held an executive session and voted Do Pass the SCS on SB 8 sponsored by Sen. Goodman (R-Lawrence) by a vote of 5 yeas and 1 Nay. This act ensures that co-employees shall be released from liability for negligence in performing the non-delegable duty of an employer to provide a safe workplace when the negligence harms another employee unless the negligent employee engaged in purposeful, affirmatively dangerous conduct. Sen. Goodman stated that he wants to have more dialog in regard to the occupational disease definition.

MISSOURI HUMAN RIGHTS LAW: This week the House Committee on Workforce Development and Workplace Safety held a hearing on HB 205 sponsored by Rep. Elmer (R-Stone). This bill changes the laws regarding unlawful discriminatory practices as they relate to the Missouri Human Rights Law. For full text of this legislation click on the following link:

<http://www.house.mo.gov/content.aspx?info=/bills111/bilsum/intro/sHB205I.htm>

Testifying in support of this bill were Missouri Chamber of Commerce and Industry, Associated Industries of Missouri, St. Louis RCGA, MO United School Insurance Council, School Districts Association, Missouri Retailers Association, MO Grocers Association, Greater KC Chamber of Commerce, MO Restaurant Association, Metro Business College, Associated Builders and Contractors, Defense Lawyers and MO Municipal League. Testifying on Opposition to this bill were 16 individuals/ disability advocates, MO Commission on Human Rights, KC Human Relations Division, JC Branch of the NAACP, American Cancer Society, MO Commission for the Deaf and Hard of Hearing, Paraguard, United Steel Workers, Whole Person Independent Living, AFL-CIO, MATA, NEA and Metro St. Louis Equal Housing. The committee took no further action.

BOARD OF UNEMPLOYMENT FUND FINANCING: The House Committee on Workforce Development and Workplace Safety held a hearing on HB 226 sponsored by Rep. Richardson R-Butler). Currently, an outstanding obligation under a financial agreement between the Board of Unemployment Fund Financing and a lender cannot continue for more than 10 years. This bill removes the 10-year limitation. Testifying in support were Associated Industries of Missouri, MO Chamber of Commerce, NFIB, MO Retailers Association, MO Grocers Association, St. Louis RCGA, Greater KC Chamber of Commerce and the AFL-CIO. There was no opposition and the committee took no further action.

PUBLIC ADMINISTRATORS: This week the Senate Committee on Judiciary, Civil and Criminal Jurisprudence held a hearing on SB 57 sponsored by Sen. Callahan (D-Independence). This act allows a public administrator to request the court to transfer any guardianship or conservatorship case to another county. If the other county meets the venue requirements and the public administrator of the other county consents to the transfer, the court is required to transfer the case. The court with jurisdiction over the other county is required to appoint the public administrator of that county as the person's new guardian or conservator without holding a hearing.

The public administrator is required to file a final settlement of their conservatorship within thirty days of the court transferring the case. This final settlement will be filed in the court with jurisdiction over the original conservatorship and forwarded to the receiving county upon audit and approval. Testifying in support were the Missouri Public Administrators and the MO Department of Health. No one testified in opposition and the committee took no further action.

CORPORATE FRANCHISE TAX: The Senate Committee on Jobs, Economic Development and Local Government met in executive session and voted SBs 18 & 19 sponsored by Sen. Schmitt (R-St. Louis) Do Pass. SB 18 would cap the amount of corporate franchise taxes any corporation must pay to no more than two million dollars annually for all tax years after January 1, 2011. A SCS was presented that would freeze corporate franchise taxes at their current levels beginning January 1, 2011. Beginning January 1, 2012, SB 19 would gradually reduce the corporate franchise tax rate over a 5 year period until it is completely phased-out. Effective January 1, 2016 no corporate franchise tax will be imposed on Missouri employers.

HEARINGS OF INTEREST:

Senate-Appropriations

MONDAY - 02/07/11

12:00 PM, SCR 2

Topic:

Tax Credits administered by:

Economic Development

Agriculture

Health & Senior Services

Insurance, Financial Institutions & Professional Registration

Natural Resources

Revenue

Social Services

Executive session may follow

House-Downsizing State Government

MONDAY - 02/07/11

1:00 PM, HR 1

Public hearing:

HB 139 Smith-150

Requires the Office of Administration to maintain public and county government accountability information on the Missouri Accountability Portal.

House-Higher Education

TUESDAY - 02/08/11

8:00 AM, HR 6

Public hearing:

HB 232 Thomson

Extends eligibility for the A+ Schools Program to Missouri public high school students who have an expected family contribution to college expenses at a level determined by the Department of Higher Education.

House-App-Education

TUESDAY - 02/08/11

2:00 PM, HR 3

Budget presentation continued by the Department of Elementary and Secondary Education. Budget presentation by the Department of Education.

House-Economic Development

TUESDAY - 02/08/11

5:00 PM, HR 7

Presentation from the Division of Workforce Development

House-App-Transportation and Economic Develop New - 12:58pm

WEDNESDAY - 02/09/11

8:00 AM, HR 3

Hearing in HR 3 may recess until 2:00 in HR 7. Breakfast will be provided for members. Presentation from the Department of Economic Development. Executive session may be held on any matter referred to the committee.

House-Local Government

WEDNESDAY - 02/09/11

8:00 AM, HR 7

Public hearing:

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 principal residence.
HB 80	Nolte	Changes when tax statements must be mailed in all counties the first classification from at least 30 days to at least 45 before the delinquent date.
HB 157	Faith	Prohibits municipal employment contracts from exceeding 5 years and specifies that, upon resignation or termination of contract, no employee can receive a payout of more than 3 months' pay.

Executive session may be held on any matter referred to the committee.

Senate-Transportation

WEDNESDAY - 02/09/11

8:00 AM, SCR 1

Public hearing:

SB 120	Stouffer	Modifies various provisions relating to billboards.
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House-Judiciary

WEDNESDAY - 02/09/11

12:00 PM, HR 1

Public hearing:

HB 88	Gatschenberger	Allows public administrators to file petitions to transfer a case to another county and requires the court to transfer the case if certain requirements are met and the receiving county consents to the transfer.
HB 128	Barnes	Requires the respondent in a suit filed by a city, county, or municipality, in which the entity prevails to pay the city, county, or municipality the amount of the deposit that would have been awarded as damages.

judgment.

House-Financial Institutions

WEDNESDAY - 02/09/11

5:00 PM, HR 6

Public hearing:

HB 173	Koenig	Prohibits limiting the investment of funds by the board of Missouri Higher Education Savings Program to a specific grouping or list of investment vehicles.
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House-Trans. Funding and Public Institutions

THURSDAY - 02/10/11

8:00 AM, HR 6

Public hearing:

HB 104	Nance	Requires 50% of the revenue generated from fines and costs which are collected as a result of a red light traffic violation on a state highway to be distributed to the Department of Transportation.
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Senate-Appropriations

THURSDAY - 02/10/11

8:00 AM, SCR 2

TOPIC:

Department of Economic Development

Executive session may follow.

BILLS OF INTEREST: Pre-Filed bills of Interest.

Holding down the "Ctrl" button and clicking the bill number will take you to the bills website.

<u>HB 26</u>	<u>Jones-63</u>	Changes voter reauthorization on city earnings taxes from five years to 20 years.
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<u>HB 43</u>	<u>Conway-27</u>	Adds the counties of Andrew and Buchanan to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of real property.
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<u>HB 45</u>	<u>Hoskins-121</u>	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.
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<u>HB 52</u>	<u>Ellinger</u>	Requires the Department of Revenue to establish the necessary rules to implement the compliance provisions of the multistate Streamlined Sales and Use Tax Agreement.
<u>HB 53</u>	<u>Meadows</u>	Prohibits any entity that is authorized to issue traffic tickets to use an automated speed enforcement system to enforce speeding violations except in a school, construction, or work zone.
<u>HB 59</u>	<u>Brown-50</u>	Requires the State Board of Education to establish a coordinated health program board to develop a program on the prevention of student obesity, cardiovascular disease, and type II diabetes.
<u>HB 60</u>	<u>Nolte</u>	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.
<u>HB 70</u>	<u>Phillips</u>	Changes the compensation and mileage allowance for certain members of a county highway commission.
<u>HB 76</u>	<u>Nolte</u>	Limits the tax liability of a corporation for corporate franchise taxes to no more than \$2 million annually.
<u>HB 77</u>	<u>Nolte</u>	Reduces over a five-year period the annual corporate franchise tax rate from one-fourty-fourth of 1% until no tax is imposed beginning January 1, 2016.
<u>HB 78</u>	<u>Nolte</u>	Authorizes an income tax exemption for the business income of any individual or corporation to be phased-in over five years until the exemption is 50% of the taxpayer's Missouri taxable business income.
<u>HB 88</u>	<u>Gatschenberger</u>	Allows public administrators to file petitions to transfer cases to another county and requires the court to transfer the case if certain requirements are met and the receiving county consents to the transfer.
<u>HB 90</u>	<u>Scharnhorst</u>	Prohibits a political subdivision from adopting an ordinance, rule, or code that would require mandatory installation of a sprinkler system in new residential construction.
<u>HB 102</u>	<u>Nance</u>	Renews and extends the Missouri Homestead Preservation Act.
<u>HB 104</u>	<u>Nance</u>	Requires 50% of the revenue generated from fines and court

costs collected as a result of a red light traffic violation on a state highway to be distributed to the Department of Transportation.

<u>HB 105</u>	<u>Nance</u>	Amends laws relating to the collection of certain excess revenues from traffic violations.
<u>HB 120</u>	<u>Schoeller</u>	Changes the laws regarding infrastructure replacement surcharges for water corporations.
<u>HB 127</u>	<u>Barnes</u>	Specifies that any partial term served by a member of the Sheriffs' Retirement System who is elected sheriff at a special election will be counted as serving an entire term when calculating benefits.
<u>HB 128</u>	<u>Barnes</u>	Requires the respondent, in a suit filed by a city, county, or state in which the city, county or state prevails, to pay to the city, county, or state the deposit amount which shall then be paid to the cl.
<u>HB 137</u>	<u>Thomson</u>	Removes the sunset from the provision allowing certain universities to convey or transfer, except in fee simple, real property without authorization by an act of the general assembly.
<u>HB 139</u>	<u>Smith-150</u>	Requires school district and local government financial information to be included on the Missouri Accountability Portal.
<u>HB 145</u>	<u>Schoeller</u>	Requires entities receiving state funds to publish the name and compensation of each lobbyist lobbying for the entity.
<u>HB 157</u>	<u>Faith</u>	Provides that no municipal employment contract or renewal of such contract shall exceed two years.
<u>HB 173</u>	<u>Koenig</u>	Allows the board of the Missouri Higher Education Savings Program to invest in any investment vehicle if it meets certain requirements and prohibits investments from being limited to a specified groups.
<u>HB 175</u>	<u>McNeil</u>	Increases from \$14,300 to \$16,000 the minimum base used to calculate the senior citizens property tax credit, commonly known as circuit breaker.
<u>HB 177</u>	<u>McNeil</u>	Imposes restrictions on automated speed enforcement systems.

<u>HB 188</u>	<u>Molendorp</u>	Adds Cass county to the list of counties authorized to enact nuisance abatement ordinances regarding the condition of real property.
<u>HB 194</u>	<u>Molendorp</u>	Authorizes certain counties to establish a county municipal court.
<u>HB 207</u>	<u>Meadows</u>	Prohibits political subdivisions from using automated photo red light enforcement systems to enforce red light violations.
<u>HB 209</u>	<u>Guernsey</u>	Revises laws concerning private nuisances when the nuisance emanates from property used for farming, agriculture, crop, or animal production purposes.
<u>HB 223</u>	<u>Wallingford</u>	Establishes the "Caring for Missourians Program" within the Department of Higher Education to award grants to institutions for higher education to address the nursing shortages in this state.
<u>HB 231</u>	<u>Thomson</u>	Establishes an "Advanced Placement Incentive Grant" for cert students.
<u>HB 232</u>	<u>Thomson</u>	Modifies eligibility requirements for the A+ Schools Program.
<u>HB 248</u>	<u>McNeil</u>	Authorizes an income tax deduction for 100% of tuition and fees for up to the last 9 or 18 hours required to complete associate or bachelor degrees from a public two-year or four-year university.
<u>HB 251</u>	<u>Cox</u>	Eliminates the tax credit for qualified film production projects after December 31, 2011.
<u>HB 263</u>	<u>Weter</u>	Modifies a provision of the Missouri Local Government Employees' Retirement System.
<u>HB 264</u>	<u>Weter</u>	Modifies provisions relating to the Manufacturing Jobs Act.
<u>HB 278</u>	<u>McNeil</u>	Implements the provisions of the Streamlined Sales and Use Tax Agreement.
<u>HB 288</u>	<u>Lair</u>	Allows the sheriff of any county to employ an attorney to aid and advise him or her in the discharge of the sheriff's duties and to represent him or her in court.
<u>HB 289</u>	<u>Lair</u>	Specifies that no person will be eligible to run or to be selected

to fill a vacancy for the office of county sheriff unless he or she holds a valid peace officer license.

<u>HB 304</u>	<u>Black</u>	Authorizes an income tax credit for certain public safety officers.
<u>HB 309</u>	<u>Black</u>	Creates the Law Enforcement Safety Fund and authorizes a \$7 surcharge in certain criminal cases to fund a contribution system for certain law enforcement employees.
<u>HB 319</u>	<u>Fisher</u>	Modifies provisions relating to public contracts.
<u>HB 320</u>	<u>Fisher</u>	Modifies provisions relating to public construction.
<u>HB 326</u>	<u>Burlison</u>	Prohibits the taxing or imposition of license fees by a municipality for professional counselors licensed in this state.
<u>HB 335</u>	<u>Burlison</u>	Allows, upon voter approval, political subdivisions to replace any personal property taxes levied for funding the political subdivision with a revenue-neutral increase in the local sales or real property tax.
<u>HB 336</u>	<u>Burlison</u>	Creates a tax credit to attract sporting events to the state.
<u>HB 340</u>	<u>Klippenstein</u>	Revises the law regarding the erection and maintenance of county jails.
<u>HB 342</u>	<u>Still</u>	Increases the cigarette tax by \$1.00 per pack upon a vote of the people.
<u>HB 343</u>	<u>Still</u>	Increases the cigarette tax by 12.5 cents per pack per year for 8 years until the additional tax on cigarettes reaches \$1.00.
<u>HB 345</u>	<u>Guernsey</u>	Expands the Agricultural Business Development Loan Program to include agribusinesses.
<u>HB 352</u>	<u>Wallingford</u>	Establishes the Missouri Science, Technology, Engineering, and Mathematics Initiative within the Department of Higher Education.
<u>HB 357</u>	<u>Leara</u>	Changes the laws regarding enhanced enterprise zones.
<u>HB 366</u>	<u>Silvey</u>	Creates state and local sales and use tax exemptions for data storage centers and server farm facilities.

<u>HB 378</u>	<u>Zimmerman</u>	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.
<u>HB 380</u>	<u>Zimmerman</u>	Allows individuals who are 62 years of age or older to defer paying property taxes on their residences under certain conditions by filing a claim with the county assessor.
<u>HB 400</u>	<u>Diehl</u>	Changes provisions relating to certain transient guest taxes .
<u>HB 406</u>	<u>Wieland</u>	Prohibits political subdivisions from using automated photo red light enforcement systems to enforce red light violations.
<u>HB 408</u>	<u>Koenig</u>	Changes corporate income tax rates, eliminates the corporate franchise tax, and adds a .4939% sales tax.
<u>HJR 8</u>	<u>Koenig</u>	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.
<u>HJR 9</u>	<u>Kelly</u>	Proposes a constitutional amendment authorizing the General Assembly to issue bonds to fund higher education facility improvements, construction, landscaping, and land or building purchases.
<u>HJR 10</u>	<u>Barnes</u>	Proposes a constitutional amendment repealing the prohibition against state funds being used to support any religion or religious school and specifies that parents have the right to choose any school.
<u>SB 12</u>	<u>Pearce</u>	Modifies the elementary and secondary education foundation formula.
<u>SB 16</u>	<u>Lembke</u>	Prohibits political subdivisions from using automated photo red light enforcement systems to enforce red light violations.
<u>SB 25</u>	<u>Schaaf</u>	Authorizes Andrew and Buchanan Counties to enact nuisance abatement ordinances.
<u>SB 49</u>	<u>Wright-Jones</u>	Creates special rules for the formation of transportation development districts to operate mass transportation systems.

<u>SB 52</u>	<u>Cunningham</u>	Requires county assessors to consider market factors in determining value of real property for tax purposes.
<u>SB 57</u>	<u>Callahan</u>	Requires courts to transfer certain cases upon the request of the public administrator.
<u>SB 73</u>	<u>Kraus</u>	Requires political subdivisions using automated traffic enforcement systems to distribute fines to local school districts.
<u>SB 79</u>	<u>Justus</u>	Establishes the Missouri Science and Innovation Reinvestment Act.
<u>SB 82</u>	<u>Pearce</u>	Removes an expiration date of August 28, 2011 on state universities being able to convey land without authorization from the General Assembly and requires that such conveyances be done at fair market value.
<u>SB 88</u>	<u>Schaaf</u>	Removes an expiration date of August 28, 2011 on state universities being able to convey land without authorization from the General Assembly and requires that such conveyances be done at fair market value.
<u>SB 114</u>	<u>Justus</u>	Provides that certain aliens will receive in-state tuition at college and universities that meet certain requirements.
<u>SB 120</u>	<u>Stouffer</u>	Modifies various provisions relating to billboards.
<u>SB 121</u>	<u>Stouffer</u>	Specifies how duty-related death benefits are funded for the Missouri Local Government Employees' Retirement System.
<u>SB 130</u>	<u>Rupp</u>	Creates the Early High School Graduation Scholarship Program for public high school students who graduate from high school early.
<u>SB 139</u>	<u>Crowell</u>	Subjects all state tax credits to appropriation.
<u>SB 143</u>	<u>Crowell</u>	Prohibits the approval of new applications under the Missouri Downtown and Rural Stimulus Act after August 28, 2011.
<u>SB 154</u>	<u>Schaaf</u>	Caps the amount of the reduced monthly benefit that certain members of LAGERS who choose to receive a partial lump sum payment may receive.

<u>SB 155</u>	<u>Rupp</u>	Modifies provisions of Missouri's real property tax increment allocation redevelopment act.
<u>SB 161</u>	<u>Munzlinger</u>	Allows the Missouri Agricultural and Small Business Development Authority to provide loan guarantees for loans to agribusinesses.
<u>SB 175</u>	<u>Munzlinger</u>	Modifies restrictions on the use of organized labor on public contract projects.
<u>SB 185</u>	<u>Purgason</u>	Imposes a sunset upon all tax credit programs not currently subject to a sunset provision.
<u>SB 187</u>	<u>Lager</u>	Relating to private nuisance actions.
<u>SB 189</u>	<u>Schmitt</u>	Modifies provisions of the Missouri Quality Jobs Act to allow benefits for projects located within dormant manufacturing plant zones.
<u>SB 190</u>	<u>Pearce</u>	Creates a tax credit for purchases of processed biomass engineered fiber fuel.
<u>SB 191</u>	<u>Pearce</u>	Establishes the Caring for Missourians Program to provide grants to eligible Missouri public higher education institutions that maintain certain nursing programs.
<u>SB 194</u>	<u>Pearce</u>	Allows Cass County to enact nuisance abatement ordinances.
<u>SB 198</u>	<u>Crowell</u>	Repeals the estate tax.
<u>SB 200</u>	<u>Crowell</u>	Modifies the ability of state educational institutions to issue bonds and incur debt.
<u>SB 203</u>	<u>Schmitt</u>	Creates a tax credit to attract sporting events to the state.
<u>SB 210</u>	<u>Lembke</u>	Modifies provisions of law requiring certain political subdivisions to revise property tax rates.
<u>SB 212</u>	<u>Lembke</u>	Requires the department of transportation to establish minimal yellow light change interval times for traffic-control devices.
<u>SJR 1</u>	<u>Ridgeway</u>	Replaces all taxes on income with a sales and use tax.

If you would like the full text of a bill or a bill summary, they will be posted at <http://www.moga.state.mo.us/> as they become available. **This report was distributed by the St. Joseph Area Chamber of Commerce with support from the City of St. Joseph, Buchanan County, Missouri Western State University, St. Joseph Convention and Visitors Bureau, and Heartland Health.**

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