

MEMORANDUM

TO: St. Joseph Area Legislative Partnership
FROM: Mark Rhoads and Trent Watson
RE: Legislative Report
DATE: April 15, 2011

In the news...

- The issue of congressional redistricting has emerged this week as a huge divisive issue between the House and Senate. So much so that the House has announced that it will not meet on Monday except to answer roll call. This week the Senate passed its version of redistricting and sent it to the House. Subsequently, the House moved to send the measure to conference committee, but the Senate refused to read the message into the record (essentially refusing to meet in conference committee). That act so angered House leaders that they will not convene for regular business on Monday.
- Governor Jay Nixon signed a bill this week that would restore 20 weeks of unemployment benefits to Missourians who are out of work. The measure includes a provision that would cut future unemployment benefits from 26 weeks to 20 weeks. The bill was the subject of a filibuster in the Senate until an agreement was struck to cut an additional \$250 million in stimulus funds from the FY 2012 budget. Senate Republicans caucused on Thursday to begin budget discussions and to ascertain where those cuts might be made.
- On Thursday, the House passed and sent to the Governor a measure that would place restrictions on awards relating to lawsuits against large agricultural producers and restrict multiple lawsuits for such issues as odor from large hog farming operations.
- This week, the Missouri House has passed legislation that would give grants of up to \$500 to students who score well on Advanced Placement tests. Also this week, the Senate Appropriations Committee approved an additional \$20 for higher education institutions. The additional money, if approved by the House, would mean that higher education would receive a 4.8% cut in funding instead of the 7% cut proposed in Governor Nixon's proposed budget.
- This week the House passed and sent to the Governor legislation that makes changes to Proposition B, the so-called "Puppy Mill" initiative ballot measure which voters narrowly approved last November. Some of the changes made by the legislation include removing the 50 dog breeding limit, a visual inspection of breeding operations as opposed to a hands-on veterinary inspection, and more relaxed rules pertaining to animal living conditions.

Floor Action:

ELECTRONIC MONITORING: This week the Senate Perfected and Third Read and passed SCS SB 387 sponsored by Sen. Wasson (R-Christian). This act allows a judge to release a person before trial on electronic monitoring or order a person serve part or all of a sentence of confinement on electronic monitoring unless the judge finds that the person cannot afford to pay the costs associated with the electronic monitoring. All costs associated with the electronic

monitoring shall be charged to the person on house arrest. The judge may, in his or her discretion, credit any period on electronic monitoring, against any period of confinement or incarceration ordered. The circuit court may adopt a local rule allowing for the pretrial release on electronic monitoring in lieu of confinement for anyone charged with a crime who can afford to pay the costs of electronic monitoring.

This bill was Third Read and passed by a vote of 34-0.

LONG TERM LAND LEASE: This week the Senate took up for Perfection SB 88 & 82 sponsored by Sen. Schaaf (R-Buchanan). Current law provides that the boards of governors of certain state institutions of higher education may convey or transfer the title to certain real property without authorization from the General Assembly until August 28, 2011. This act removes this expiration date. During floor debate, Sen. Lager offered Senate Amendment 1, which would extend the expiration date by two years. After thirty minutes of debate, the bill was laid over on the Senate Perfection calendar.

NUISANCE ACTIONS: This week the Senate Third Read and passed SS SCS HB 209 sponsored by Rep. Guernsey (R-Grundy) and handled in the senate by Sen. Lager (R-Nodaway). This act modifies the laws regarding nuisances. For full text of the bill:

<http://www.house.mo.gov/billsummary.aspx?bill=hb209&year=2011&code=R>

This bill was Third Read by a vote of 24-7. The House picked up and Truly Agreed to and Finally Passed SS SCS HB 209 by a vote of 110- 45. The measure now moves on to the Governor.

RELATING TO BILLBOARDS: This week the Senate took up for Perfection SS/SB 120 sponsored by Sen. Stouffer (R-Saline). This Floor Substitute differs from the previous version in the following manner:

1. Modifies the local regulation language contained in section 226.540 by removing the terms “reasonable”, “industry” and “intent or effect of”;
2. Modifies the term “substantially rebuilt” to mean any reconstruction or repair of a sign that requires replacement of **51% (rather than 50%)** or more of the sign structure’s support poles in a 12 month period; and
3. Removes the language which would have required local government to reimburse the commission the cost to condemn signs if they choose to prohibit resetting.

Senator Stouffer told the body that all of the changes to the original bill were in response to the concerns presented by the Missouri Municipal League. Senator Stouffer inquired of Senators Jay Wasson, Kevin Engler and Ron Richard, all former mayors and all of whom said that they supported the bill.

This bill was debated for over an hour before being laid over on the Senate Perfection Calendar.

UNEMPLOYMENT COMPENSATION BENEFITS: The House took up and Truly Agreed to and Finally Passed HB 163. HB 163, sponsored by Representative Barney Fisher, changes the laws regarding unemployment compensation benefits in order for Missouri to receive recently approved additional federal funds. A compromise was reached between the House and Senate which limits number of renewals. The House then voted 138-13 and the Emergency Clause adopted. This bill was sent to the governor and he signed it into law on Wednesday.

CARING FOR MISSOURIANS PROGRAM: The House took up and Third Read and Passed HB 223. HB 223, sponsored by Representative Wayne Wallingford, establishes the Caring for

Missourians Program within the Department of Higher Education to award grants to eligible higher education institutions to address nursing shortages. There was little discussion and the House voted 150-0. This legislation has been reported to the Senate and First Read.

ENHANCED ENTERPRISE ZONES: The House took up and Third Read and Passed HB 357. HB 357, sponsored by Representative Mike Leara, changes the laws regarding enhanced enterprise zones. Concerns were expressed regarding the use of the Chrysler plant. The House then voted 148-5. This legislation has been reported to the Senate and First Read.

Committee Action

OMNIBUS LOCAL GOVERNMENT BILL: This week the House Local Government Committee met in executive session and voted HCS HB 889 sponsored by Rep. Gatschenberger (R-St. Charles) Do Pass. This substitute contains numerous provisions of law. A summary of the provisions of this bill are attached to this report.

BROADBAND INCENTIVES: This week the House Committee on Economic Development held a hearing on HB 943 Johnson (R-Buchanan). This bill specifies that any company or subcontractor who provides increased telecommunications infrastructure that can elevate wireless broadband transmission equipment will be eligible for linked deposit loans. Beginning January 1, 2012, the bill authorizes a tax credit to a taxpayer for the cost of purchasing new Internet broadband equipment. The credit is not refundable or transferable. The provisions regarding the tax credit will expire December 31 six years from the effective date. Testifying in support of this bill was the Small Business and Technology Center. No one testified in opposition to the bill and the committee took no further action.

WORKERS' COMPENSATION: On April 11, the House Workforce Development and Workplace Safety Committee held a hearing on SS#2 SCS SB 8 sponsored by Sen. Goodman (R). This bill deals with co-employee liability and occupational disease in workers' compensation cases. Testifying in support was Associated Industries of Missouri, the United Steel Workers District 11 and the Missouri AFL CIO, the Missouri Chamber of Commerce, Regional Commerce and Growth Association, Associated Builders and Contractors, NFIB, Missouri Restaurant Association, the Kansas City Greater Chamber of Commerce, Certainteed Corporation, the American Insurance Association and the Missouri Insurance Coalition. Supporters noted that they would seek some changes regarding subrogation and the employee liability portion.

No one testified in opposition. Testifying for informational purposes was the Missouri Association of Trial Attorneys. They noted that under strict construction of exclusivity, the employee can sue because the employer doesn't have the exclusivity provision protecting the employer from civil actions. They believed that the language dealing with affirmative negligent acts is the correct language to use.

The committee then went into executive session. The Chair, Rep. Fisher (R), offered an amendment to clarify that the act must be intentional. The amendment was then rolled into a substitute and voted the bill "do pass" by a vote of 7 to 4.

ENVIRONMENTAL CONSTRUCTION: On April 11, the House Special Committee on Renewable Energy held an executive session on HB 716 sponsored by Rep. Wyatt (R). This bill establishes the Renewable Energy Pilot Program for State Parks. The committee created a House committee substitute by adding HB 267 and HB 839 to HB 716. HB 267, sponsored by

Rep. McNeil (D), establishes requirements for environmentally sustainable construction for certain state-funded buildings. HB 839, sponsored by Rep. Holsman (D), establishes the Capital Green Program to provide funding to the state for energy efficiency improvements to certain state buildings and for geothermal, wind, and solar energy resources. The committee substitute was voted "do pass" by a vote of 7-0.

HEARINGS OF INTEREST:

House-Higher Education

TUESDAY - 04/19/11

8:00 AM, HR 6

Public hearing:

HB 614	Holsman	Prohibits a higher education institution from charging a Missouri resident who is a full-time student a tuition rate that exceeds the amount charged when the student first enrolled for the next five years.
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Executive session may be held on any matter referred to the committee.

Committee Members: Mike Thomson, Chair / Wayne Wallingford, Vice Chair / Steve Cookson / Scott Dieckhaus / Denny Hoskins / Donna Lichtenegger / Chris Molendorp / Jean Peters-Baker / Tommie Pierson / Todd Richardson / Jill Schupp / Mary Still

House-Economic Development

TUESDAY - 04/19/11

Upon afternoon adj, HR 7

Public hearing:

HB 905	Zerr	Changes provisions relating to the historic structures rehabilitation tax credit.
HB 479	Brown-50	Increases the annual cap on the tax credits certified for qualified film production projects from \$4.5 million to \$10 million.

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

Committee Members: Anne Zerr, Chair / Caleb Jones, Vice Chair / T.J. Berry / Ellen Brandom / Michael Brown / Wanda Brown / Chris Carter / Paul Curtman / John Diehl / Lyndall Fraker / Lincoln Hough / Michele Kratky / Jeanie Lauer / Mike Leara / Thomas Long / Eileen McGeoghegan / Mike McGhee / Jamilah Nasheed / Craig Redmon / John Rizzo / Dwight Scharnhorst / Ron Schieber / Vicki Schneider / Clem Smith / Jay Swearingen / Wayne Wallingford / Stephen Webber

Senate-Commerce, Energy and the Environment

TUESDAY - 04/19/11

1:30 PM, Senate Lounge

Public hearing:

HB 578	Thomson	Allows the state or any political subdivision or agency of the state to transfer ownership of used tires, scrap tires, or tire shreds to a private entity for disposal or recycling under certain
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conditions.

EXECUTIVE SESSION MAY FOLLOW

Committee Members: Brad Lager, Chair / John Lamping, Vice Chair / Timothy Green / Jolie Justus / Mike Kehoe / Jim Lembke / Michael Parson / Kurt Schaefer / Bill Stouffer

House-Budget

WEDNESDAY - 04/20/11

8:00 AM, HR 3

Review of Tax Credits - Public Hearing

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

Committee Members: Ryan Silvey, Chair / Rick Stream, Vice Chair / Sue Allen / Randy Asbury / Eric Burlison / Chris Carter / John Cauthorn / Sally Faith / Tom Flanigan / Jeff Grisamore / Casey Guernsey / Marsha Haefner / Denny Hoskins / Jason Kander / Shelley Keeney / Chris Kelly / Jeanne Kirkton / Mike Lair / Sara Lampe / Gail McCann Beatty / Genise Montecillo / Jamilah Nasheed / Mark Parkinson / John Rizzo / David Sater / Dwight Scharnhorst / Dave Schatz / Tom Shively / Mike Thomson

Senate-Jobs, Eco. Devo. and Local Government

WEDNESDAY - 04/20/11

12:00 PM, Senate Lounge

Public hearing:

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|--------|--------------|--|
| HB 840 | Jones-117 | Establishes the Aerotropolis Trade Incentive and Tax Credit Act to encourage foreign trade by authorizing the St. Louis City Mayor or the executive officer of certain counties to designate a gateway zone. |
| HB 336 | Burlison | Authorizes an income tax credit for the eligible costs of bringing certain sporting events to Missouri. |
| HB 340 | Klippenstein | Allows counties of any classification to erect and maintain a jail or holding cell facility at a site other than the county seat. |

EXECUTIVE SESSION MAY FOLLOW

Committee Members: Eric Schmitt, Chair / Ron Richard, Vice Chair / Victor Callahan / Bob Dixon / Jack Goodman / John Lamping / Ryan McKenna / Brian Nieves / Luann Ridgeway

CALENDAR:

House

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- HJR 8 (S) Author: 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.

HOUSE BILLS FOR PERFECTION

- HB 366 (S) Author: Silvey
Authorizes a state and local sales and use tax exemption for data storage centers and server farm facilities.

SENATE BILLS FOR THIRD READING

- SB 68 (S) Author: Mayer Handler: Diehl
Authorizes the issuance of subpoenas for the production of records by the General Assembly and establishes new congressional districts.

BILLS CARRYING REQUEST MESSAGES

- HB 193 Author: Diehl Handler: Rupp
Establishes the basic format for dividing Missouri into eight Congressional districts based on the 2010 census estimates.

Senate

SENATE BILLS FOR PERFECTION

- SB 155 (S) Author: Rupp
Modifies provisions of Missouri's real property tax increment allocation redevelopment act.
- SB 52 Author: Cunningham
Requires county assessors to consider market factors in determining value of real property for tax purposes.

HOUSE BILLS ON THIRD READING

- HB 45 (S) Author: Hoskins-121 Handler: Pearce
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.

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

- SB 18 (3) Author: Schmitt
Places a cap on corporate franchise taxes.
- SB 231 (3) Author: Lager
Prohibits a political subdivision from restricting a firefighter from engaging in certain political activities.

SENATE BILLS FOR PERFECTION

- SB 25 (S) Author: Schaaf
Modifies and adopts provisions relating to nuisances.
- SB 88 (S) Author: Schaaf
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.
- SB 120 Author: Stouffer
Modifies various provisions relating to billboards.
- SB 130 (S) Author: Rupp
Creates the Early High School Graduation Scholarship Program for public high school students who graduate from high school early.

- SB 175 Author: Munzlinger
Modifies restrictions on the use of organized labor on public contract projects.
- SB 176 Author: Munzlinger
Modifies Missouri's prevailing wage law.
- SB 189 (S) Author: Schmitt
Modifies provisions of the Missouri Quality Jobs Act to allow benefits for projects located within dormant manufacturing plant zones.
- SB 200 Author: Crowell
Modifies the ability of state educational institutions to issue bonds and incur debt.
- SB 203 Author: Schmitt
Creates a tax credit to attract sporting events to the state.
- SB 278 Author: Munzlinger
Modifies the laws regarding certain private nuisance actions.
- SB 280 (S) Author: Purgason
Modifies provisions of Missouri tax credit programs in accordance with recommendations made by the Missouri Tax Credit Review Commission Report.
- SB 390 Author: Schmitt
Authorizes tax incentives to encourage foreign trade.

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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