

## Missouri Association of Public Administrators End of Session Report

### 2015 Legislative Session Overview

Those of us who have been around the capitol for many years will likely agree that the 2015 legislative session was nothing short of unique. There were significant events that had a huge impact on state politics that no one could have predicted. In February, we lost state Auditor Tom Schweich to suicide; a month later, his spokesman Spence Jackson also committed suicide. As the session came to an end during the second week in May we saw the Senate shut down on Tuesday because of a forced vote on Right to Work. The Senate shutdown forced the House to slow their daily business as there was little work they could do. Finally, on Thursday, the Speaker of the House resigned and a new Speaker took the helm on the final day of the Legislative Session.

After Tuesday's procedural move to end the Senate filibuster on Right to Work, Senate Democrats stalled all activity in the chamber for the remainder of the week. On Friday, they did allow one bill, SB 210, to come to a vote. SB 210 is a one-year reauthorization of the Federal Reimbursement Allowance, federal dollars which help fund Missouri's Medicaid Program. The measure extends taxes on medical providers (including hospitals, ambulances, and nursing homes) and generates about \$3.6 billion for Medicaid services in the state. While the House did very little floor work on Wednesday and Thursday, they moved into high gear on Friday and managed to pass over 30 bills on the final day. In order to "truly agree to and finally pass" these Senate bills, the House essentially stripped off all House amendments to these bills and accepted the version of the bill which arrived from the Senate.

There was a combination of 2,113 bills and resolutions filed this session, and just 150 of them, roughly 7 percent, passed. Of the bills and resolutions that were passed, 18 were appropriations bills dealing with the 2016 fiscal year, 2015 supplemental budget, and upcoming capital improvement projects. An additional 18 were resolutions dealing with a variety of issues. The Governor vetoed three of the bills passed earlier this session, however the Legislature was successful in overriding two of his vetoes, on SB 24 and HB 63. The House voted to override HB 150 during the final week of the Legislative Session, but due to the Senate shutdown the bill was not brought up for an override attempt in that chamber.

### What Passed and What Failed

#### PASSED:

Budget -- Authorizes \$26 billion in state spending for fiscal year 2016. (HBs 1-13) Signed by the Governor.

Medical Malpractice -- Reinstates caps on non-economic damages in medical malpractice litigation against health care providers. (SB 239) Signed by the Governor.

Bonds – Allows for bonds totaling \$300 million to be issued for projects at the capitol, as well as other state facilities and institutions of higher education. (HBs 17, 18 & 19)

Municipal Courts – Reduces the amount of revenue cities can keep from traffic fines and fees to 20%, except for St. Louis County where the cap is set at 12.5%. The bill also contains various municipal court reforms, best practices, and a process for disincorporation of a city. (SB 5)

Public Assistance Benefits – Reduces the time that individuals can receive benefits under the Temporary Assistance for Needy Families program from five years to three years and nine months. (SB 24) Vetoed by the Governor. Veto overridden by the Legislature.

Data Centers – Authorizes sales tax exemptions for data storage centers that make minimum investments and create jobs with higher than average county wages. (HB 149) Signed by the Governor.

Prohibitions on Local Control – Limits the ability of cities and counties to ban plastic bags, impose a higher minimum wage, or require employers to offer paid sick leave and other benefits. (HB 722)

Student Transfers – Requires students to transfer to higher-performing schools within their district. If that is not a possibility, they could also seek to transfer to a charter or online school. (HB 42)

Unemployment Benefits – Reduces the maximum number of weeks of unemployment benefits from 20 to 13 weeks contingent upon the unemployment rate in the state. (HB 116) Vetoed by the Governor. House voted to override the veto, but the bill was not brought up for an override attempt in the Senate.

Tax Amnesty – Waives penalties for individuals who pay their back taxes by this fall. Includes language from SB 15 that creates the Study Commission on State Tax Policy. (HB 384)

Right to Work – Prohibits unions from charging fees for non-members. (HB 150) The Governor has announced that he will veto this bill. If so, the Legislature could attempt to override his veto in September if they have the requisite votes. When the bill was passed during the legislative session, it did not pass with a veto-proof number of votes.

FAILED:

Ethics Reform – Would have placed a \$25 cap on gifts from lobbyists to legislators and require legislators to wait for one year before becoming a lobbyist. (SB 11)

Deadly Force – Sought to update the state's use of deadly force law to clarify that officers can only use deadly force when they reasonably believe that the suspect committed a violent felony or poses a serious threat of harm. (SB 199)

Transportation Funding – The tax on diesel would have increased by 3.5 cents per gallon and all other fuels would see a tax increase of 15 cents per gallon. (SB 540)

Medicaid Expansion – Would have expanded Medicaid to low-income adults making up to 138% of the federal poverty level. (SB 125)

Telehealth – Changes the law regarding the provision of telehealth services. (HB 319; SB 230)

Bonds – Prohibits the Governor from extending bonds for a new NFL stadium in St. Louis without a vote of the Legislature or the people. (SB 330)

Voter Photo ID – Sought to require voters to show government-issued photo identification at the polls in order to vote. (HJR 1; HB 30)

Medical Marijuana – Would have provided for licensure of medical cannabis cultivation facilities to provide marijuana for certain qualified patients. (HB 800)

Body Cameras – Closes access to footage from a police camera unless ordered by the court. (HB 762)

Bullying – Establishes new requirements for schools to maintain anti-bullying policies and creates a definition for “cyberbullying.” (HB 458)

Anti-Discrimination – Prohibits discrimination based on sexual orientation and gender identity. (HB 407)

Medicaid Asset Test – Would have raised the MO HealthNet Asset Limits for elderly and disabled individuals. (SB 322)

### **Public Administrator Bills**

#### **The Senior Savings Protection Act**

SB 244 was Truly Agreed to and Finally Passed on May 6, 2015 and has been sent to the Governor for signing. Language for the Senior Savings Protection Act also existed in HB 636 and HB 645. This act permits certain individuals to report the occurrence or suspected occurrence of financial exploitation of qualified adults.

The act defines a qualified adult as a person who is either 60 years of age or older or has a disability as defined under current law and is between the ages of 18 and 59. The act permits certain individuals to notify an immediate family member, legal guardian, conservator, co-trustee, successor trustee, or agent under power of attorney of the qualified adult if they are of the belief that the qualified adult is, or may become, a victim of financial exploitation.

The act also permits certain individuals to refuse to make a disbursement from the account of a qualified adult or an account on which a qualified adult is a beneficiary or beneficial owner if the

individual reasonably believes the request will result in financial exploitation. If the individual refuses disbursement, he or she must make a reasonable effort to notify all parties authorized to transact business on the account of such refusal within two business days. The individual must further notify the Department of Health and Senior Services and the Commissioner of Securities within three business days. The act additionally grants immunity from civil liability when complying with the provisions of this act with reasonable care and good faith.

### **Raising the Asset Limit for MO HealthNet Eligibility**

SB 322 was one of the many bills which failed to pass due to Senate shutdown. The bill's last action was a motion to take the bill to conference committee to resolve differences between the Senate and House legislation. The House added language requiring the Missouri Department of Social Services to contract with a third party vendor to verify Medicaid Eligibility. Similar language that raises the asset limit on MO Health Net is found in HB 466 and HB 549.

This act raises the asset limits for MO HealthNet permanent and totally disabled, blind, and aged claimants, starting in fiscal year 2017, from no greater than \$1,000 for individuals to \$2,000 and from under \$2,000 for married couples to \$4,000. For each fiscal year after 2017 until 2020, those asset limits shall be increased \$1,000 and \$2,000 respectively so that by fiscal year 2020 the limit for individuals shall be \$5,000 and for married couples \$10,000. Beginning in fiscal year 2021, these limits shall be modified to reflect any cost-of-living adjustments. Additionally, this act excludes from asset limit calculations medical savings accounts and independent living accounts as defined in the Ticket to Work Health Assurance Program.

### **Public Vacancies**

Several bills contained language that would change requirements relating to gubernatorial appointments in the case of county vacancies. HB 1179, SB 315, SB 326, and SB 539 contained language that required the Governor to make appointments to fill vacancies in county public offices (including public administrators). SB 539 had this requirement as was added in the House, however the House ultimately decided to vote down the House Committee Substitute which contained this language in order to adopt the underlying language on the last day of session. The underlying bill allows the county commission, or a county officer designated by the county commission, to provide passport services if the circuit court clerk does not provide the services.

### **Affidavits for Bonding and Candidate Requirements**

SB 495 sponsored by Senator Hegeman would require candidates for public administrator to provide an affidavit stating that the candidate meets the bonding requirements of the office. This bill was a response to the Andrew County public administrator's failure to meet bonding requirements, which left their county with a vacancy for a significant amount of time. The bill was heard in committee on March 30, 2015 and did not see further movement. However, language from this bill was amended onto SB 245 which was ultimately defeated by a vote of (N: 96/ Y: 62).