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LEGISLATIVE REPORT

TO: MAPA

FROM: John E. Bardgett, Jr.

DATE: April 10, 2014

RE: Legislative Activity – Week 14
April 7 - 10, 2014

We are getting down to the final weeks of session, five to be exact. Bills that actually have a chance of passing the legislature begin to dwindle down from the thousands of bills that have been filed. More and more bills will be combined in House and Senate Committees into omnibus bills, that often contain numerous provisions on broad topics. The major issues of the session that House and Senate leaders touted as priorities, such as Right to Work, Tax Relief, Medical Malpractice Reform and School Transfer all remain unfinished at this point in the session.

How well do you know the State of Missouri?

This week's trivia question is ... *In terms of Area (Square Miles) Missouri Ranks what Number?*

The answer can be found at the end of the report.

House Goes in Late on Monday due to Cardinals Home Opener

The Missouri House delayed the start of session on Monday from 4:00 p.m. to 7:00 p.m. to accommodate legislators who wanted to attend the Cardinals home opening baseball game. The Senate convened session at the regular time of 4:00.

Right to Work Gets Initial Approval in House

The much-anticipated debate on the highly controversial Right to Work legislation came to the House on Wednesday this week. The vote on perfection of the HB 1770 – sponsored by Rep. Burlison (R – Springfield) was 78-68, 4 votes short of the constitutional required 82 to finally pass the bill and send it to the Senate.

The issue has fractured the House Republican caucus like we have not seen in recent memory. Nineteen Republicans voted no, nine were absent and two voted present. Several of these have always been adamantly opposed to Right to Work but more of them are in politically close districts with lots of union households and they call the vote a “no win.” It has been reported that many of the caucus members who

believe there is no reason to take a vote on the bill this year when there is no path to victory, as there seems to be zero interest in this issue this year in the Senate.

After the vote on Wednesday, both sides appeared to be claiming victory. Speaker Jones (R – Eureka) sent out a press release calling the vote an “enormous victory for working Missourians” and praising his colleagues for passing the measure for the first time in the House. The anti RTW coalitions were pleased with the vote falling below the magic number of 82 with a super-majority of Republicans in the House. The bill still needs a final vote in the House where 82 votes are required for passage before sending the bill to the Senate.

Transportation Tax Clears House

HJR 68 – sponsored by Rep. Hinson (R – St. Clair) would impose a one-cent temporary sales tax for transportation needs, if approved by Missouri voters. The House debated this bill on Tuesday and gave final approval to the bill on Wednesday by a vote of 96-53. The bill now goes to the Senate for committee assignment. The fate of the bill in the Senate is still unclear, however, a similar measure died in the Senate last year due to a filibuster led by Sen. Lamping (R – St. Louis County). Most observers believe that Sen. Lamping and a handful of Republican Senators are still opposed to the bill.

Student Transfer Legislation Moving

One of the top priorities for the Senate this session, a fix for the student transfer issue, has taken one more step in the legislative process. SB 493 – sponsored by Sen. Pearce (R – Warrensburg) was heard in the House Education Committee on Tuesday, April 8th to a packed committee room in a hearing lasting over 2 hours. The committee heard public testimony on the bill but did not take any further action. It is expected that the committee will make changes to the bill and will probably vote the bill out next week.

House & Senate Give Approval to Overhaul of Criminal Code

SB 491 – sponsored by Sen. Justus (D – Kansas City) and Sen. Dixon (R – Springfield) is a massive rewrite of Missouri’s criminal code. The Senate gave first round approval to the bill which started at over 1,000 pages on Monday, April 7th. Sen. Justus introduced a Senate Substitute that pared the bill down by 400 pages and the bill was adopted on a voice vote. This bill is a culmination of work done by various interested parties including prosecutors, defense attorneys and several Senators over a three-year period. The bill was third read and finally passed by the Senate on Thursday, April 10th and now moves to the House for committee assignment.

HB 1371 – sponsored by Rep. Cox (R – Sedalia) is the companion bill to SB 491. This bill was third read and finally passed this week by the House of Representatives. This bill now moves to the Senate for committee assignment.

Senate Debates Medical Malpractice Reform Bill

The Senate spent several hours on Wednesday, April 9th debating HB 1173 – sponsored by Rep. Burlison (R – Springfield) and SJR 25 – sponsored by Sen. Lager (R – Savannah). These bills seek to restore the non-economic damages caps on medical

malpractice cases that were thrown out in the Missouri Supreme Court last year. This has always been a hard fought battle between big business led by the Missouri Chamber of Commerce and the trial attorneys led by the Missouri Association of Trial Attorneys. Democratic Senators filibustered the bill while the two sides tried to reach some compromise. The bill was laid over to be debated at another time when no deal was struck on the bill.

House Committee Advances Cannabis Oil Bill

A bill sponsored by Republican Rep. Caleb Jones (R – California) would allow the Department of Agriculture to grow industrial hemp for research purposes and allows the use of hemp extract to treat certain individuals with epilepsy. The bill was heard in the House General Laws Committee, which Rep. Jones chairs. The bill was voted out 11-0 from the committee immediately after the hearing. Rep. Jones told the committee that this was not a medical marijuana bill, but a hemp oil bill that would give legal relief to patients that have found no help with conventional medicine. The bill now goes to the House Rules Committee for approval before debate by the full House.

House Will Hear Articles of Impeachment

The Chairman of the House Judiciary Committee announced that the committee will hear all three articles of impeachment of Governor Nixon on Tuesday, April 22nd.

Representative Dies in Office

Rep. Rory Ellinger (D – University City) passed away on Tuesday morning in University City following a battle with liver cancer. Ellinger, a Democrat from St. Louis County, had announced he would not seek re-election because of his health. Ellinger first was elected to the Missouri House in 2010. According to his biography, Ellinger was a bodyguard for Martin Luther King Jr. and marched in Alabama from Selma to Montgomery. Rep. Ellinger was 72.

Senate to Hold Memorial Service for Former Senators

Next Monday, April 14th, the Legislature will host a Memorial Service for distinguished former senators who have passed away since May 1987. It's the first time in nearly 30 years an event of this nature has been held. The service will be held in the Senate chamber starting at 1:30 p.m.

Budget Update

The Senate Appropriations Committee completed their first round of mark-up on the Fiscal Year 2015 Budget this week. The committee members reviewed the changes made by the House of Representatives, in comparison to the Governor's budget recommendations, and began accepting or changing items throughout the various state department's budgets. Any changes that were made by the Senate Appropriations Committee are now considered "conferenceable items." These are the line items that hold different positions between the House and Senate, and as a result will go before a Budget Conference Committee for final negotiations.

Next week, the Senate Appropriations Committee will reconvene for a second review of the budget and to mark-up any remaining items that were left open for further discussion. The committee will also consider language items that pertain to the budget at this time.

The full Senate is expected to debate the Fiscal Year Budget during the week of April 21st, when they return from Easter break.

On Thursday, the Fiscal Year 2014 Supplemental Budget was given final approval and sent to the Governor for his action. The supplemental budget allocates funding for programs and services that do not have enough funding to complete the current fiscal year.

Voter / Photo ID

Both of the following bills were voted out “do pass” from the Senate Financial, Governmental Organizations and Elections Committee on Tuesday, April 8th. The bills now await debate by the full Senate.

- HB 1073 – sponsored by Rep. Dugger (R – Hartville) requires a person to submit a specified form of photo identification in order to vote in a public election with specified exemptions.
- HJR 47 – sponsored by Rep. Cox (R – Sedalia) Proposes a constitutional amendment specifying that general law may require a person to provide valid government-issued photo identification in order to vote in person in an election.

Other Bills of Interest

SS / SCS / SB 509 – sponsored by Sen. Kraus (R – Lee’s Summit). This is the much talked about tax cut bill which has been debated throughout the session and finally passed the Missouri Senate. This bill was presented to the House Ways and Means Committee on Thursday, April 10th. Testifying in support of the bill was the Associated Industries of Missouri, the National Federation of Small Businesses, the Missouri Society of CPA’s, the Missouri Retailers Association, and the Missouri Grocers Association. Testifying in opposition to the bill were the Civic Council of Greater Kansas City, the Missouri Coalition of Mental Health Centers, the Missouri Budget Project, the Missouri School Administrators Association, the Missouri National Education Association, the Missouri Association of Social Welfare, and the Missouri Fellowship of Reconciliation. Following the hearing, the committee went into an executive session and voted out SB 509 by a vote of 8-4. This bill will now move to the Rules Committee for approval.

Trivia Question Answer

In terms of Area (Square Miles) Missouri Ranks what Number? 19th