

MISSOURI HOUSE OF  
REPRESENTATIVES



# *The Legislative Link*

*Connecting the People with the Process*

February 1 - February 5

## ***Missouri House Gives Preliminary Approval to Bill Authorizing Drug Testing for TANF Recipients and Elected Officials***



On Thursday, the Missouri House gave first-round approval to a bill that would set up a system of drug screening for state elected officials and welfare recipients suspected of using illegal controlled substances. HB 1377, sponsored by Rep. Ellen Brandom, R-Sikeston, passed the House by a vote of 113-40.

“This bill is the result of many, many taxpayers concerned that their ... tax-paid dollars are being used to subsidize illegal use of controlled substances,” said Brandom of the bill that received three days of discussion on the House floor. “Most people today have to take a drug test for their job and they do not understand why anyone abusing the system can have tax dollars and spend them illegally.”

The bill would require the Missouri Department of Social Services to drug test work-eligible adults who apply for and receive benefits from the Temporary Assistance for Needy Families program if the department has a reasonable suspicion of drug use. Individuals who test positive or refuse to submit to testing would be denied benefits for one year.



During discussion on the bill, Rep. Ryan Silvey, R-Kansas City, added an amendment that would require drug testing for Missouri elected officials.

“I don’t think it’s any kind of a burden that we shouldn’t subject ourselves to. I don’t think anybody in this room has anything to hide in this area. I for one would be happy to take a drug test any time,” said Silvey.

Most of the discussion on the bill focused on Silvey's amendment, which received support from members of both parties.

“It is very common for individuals in many trades to have to take random drug testing. I think it is only proper and fitting that we as elected officials do the same,” said Rep. Bryan Stevenson, R-Webb City.

“If we're going to make people do it, we need to step up and do it ourselves,” said Minority Floor Leader Paul LeVota, D-Independence.

“I do agree it would be less hypocritical of us to single out this particular group for scrutiny that we don't offer to ourselves, and that we're both recipients of state funds,” said Rep. Jeanette Mott Oxford, D-St. Louis.

Rep. Scott Dieckhaus, R-Washington, added an amendment to the bill that would immediately cut off benefits for those who test positive for drug use. The original version of the legislation would have allowed individuals who test positive to complete a drug treatment program and still keep their benefits. Dieckhaus said the change would create a strong incentive for TANF recipients to not use drugs.

"I think we need to send them a stern message that they need to get off the drugs and that they need to provide for their children and their families," said Dieckhaus.

Rep. Jeff Roorda, D-Barnhart, expressed concern about the potential impact the change could have on children of TANF recipients. “You work off the assumption ... this money is going for drugs,” Roorda said to Dieckhaus. “I work off the assumption that it’s going for the bologna sandwiches that keep these kids fed.” In response, Dieckhaus pointed out that the legislation allows for children to continue receiving benefits through a third party outside the household.

The bill needs an additional vote in the House before moving to the Senate for discussion.

View the video - <http://www.youtube.com/watch?v=wtoxD8GP004>

### ***House Approves Unemployment Benefit Extension***



On Tuesday, the Missouri House of Representatives gave final approval to a bill that would extend the state's eligibility to receive federal funds to provide unemployed individuals compensation beyond the current benefit period. The House approved HB 1544, sponsored by Rep. Barney Fisher, R-Richards, by a vote of 145-12.

“This is a federal extension of time that Missouri’s unemployed can be on unemployment. This is 100 percent full federal funding. It costs the state of Missouri nothing. It costs Missouri businesses nothing,” said Fisher. “It would address the unemployment needs of about 62,000 Missourians.”

The bill would extend federal unemployment benefits for workers that have exhausted all state and federal benefits. Legislation passed in 2009, HB 1075, set a cutoff date of December 5, 2009 for the extended benefits. If HB 1544 is signed into law, the sunset provision would be removed and unemployed workers would receive extended benefits as long as the federal government fully funds them.

“What we’re trying to do here is eliminate the sunset, cut through the red tape, and get unemployment benefits to our constituents when the (federal government) extends the benefits,” said Rep. Gina Walsh, D-St. Louis.

The bill now heads to the Senate for consideration.

### ***Local Sales Tax Bill Receives Final House Approval***

On Tuesday, the Missouri House of Representatives approved a bill that would allow Missouri cities to continue to engage in a practice known as tax stacking. HB 1442, sponsored by Rep. Tim Jones, R-Eureka, passed by a vote of 132-19.

During initial debate on the bill last week, Jones explained the problem the bill is meant to address. “There have been some questions as to whether or not cities can do this stacking because of the way the statute is written,” said Jones, who noted that lawsuits against several cities with combined taxes prompted the legislation. With the bill, Jones said, “We are allowing them to continue to do what they have been doing, and the Department of Revenue has agreed with our interpretation.”

Currently, cities can levy sales taxes of up to 1 percent for general purposes and up to one-half percent for capital improvements. HB 1442 would allow cities to have multiple general and capital improvements sales taxes. The bill would place a cap on the combined rate of general sales taxes of 2 percent and capital improvement sales taxes of 1 percent.

During discussion on the bill, Rep. Jeff Roorda, D-Barnhart, said there was an important distinction to make in reference to the approximately 75 cities that currently stack taxes.

“There’s not a single city on the list that has a tax that hasn’t been approved by the voters. The voters, of their own volition, chose to stack taxes,” said Roorda, who pointed out that the intent of the original statute was to allow the stacking of taxes.

The bill now moves to the Senate for consideration.

### ***Autism Legislation Receives Committee Approval***

On Wednesday, the House Special Committee on Health Insurance gave unanimous approval to legislation that would require coverage for the diagnosis and treatment of pervasive developmental disorders, including autism spectrum disorders. The legislation, HB 1311 & 1341, is a combination of bills sponsored by Reps. Dwight Scharnhorst, R-St. Louis, and Jason Grill, D-Parkville.

Chairman of the committee, Rep. Kevin Wilson, R-Neosho, discussed the challenges the committee faced in crafting the legislation. “It’s extremely difficult because no one denies the fact that these kids and the parents and the families need the coverage. The balance is how do you provide the level of service without raising the cost so high that it causes other people to lose their coverage? It’s been extremely difficult to get through this process, and I think we’re getting close to being there,” Wilson said.

The bill approved by the committee would institute caps on coverage for applied behavior analysis (ABA) services of \$36,000 per year for children ages 0-9 and \$20,000 per year for ages 10-21.

“We lost some things I would have loved to keep in the bill. I’m hoping that on the floor we can put some amendments on the bill to bring it back to where it was. I’d like to see the caps go up a

bit,” said Rep. Grill, whose original bill required coverage for ABA services for children younger than 15 years of age with a maximum benefit of \$55,000 per year. “The Senate passed a bill with caps at \$55,000 for ABA. I’m hoping we can get up to that.”

“It’s kind of been an evolving process and we realize that number coming out of committee may not be the exact number, but it makes a good starting point,” said Wilson.

The bill also includes an opt-out clause for small businesses with fewer than 25 employees. Employers with 25 to 49 employees would be given a waiver from providing coverage if they can prove over a 24-month period that adding coverage has resulted in a 5 percent premium increase.

“I think that’s recognition that our small businesses are the lifeblood of our economy, and if we put continued mandates on them, there is a cost. We don’t know exactly what that cost is, but I think it’s better to err on the side of keeping people in business,” Wilson said. “If we price it out to a point where small businesses can’t afford it, then not only do the people with autism lose coverage, more people lose coverage because small businesses have to drop their insurance.”

“I’m a small business supporter, and all the actuary studies have proven that premiums will not go up more than 1 percent,” said Grill. “There are different measures in the bill right now that will help small businesses out if they can prove that their premiums have risen.”

The bill now heads to the House Rules Committee for approval before moving to the House floor for discussion.

View the video - [http://www.youtube.com/watch?v=LyrZ8m\\_oJBg](http://www.youtube.com/watch?v=LyrZ8m_oJBg)

### ***Chief Justice Price Delivers Annual State of the Judiciary Address***



Wednesday morning, Missouri Supreme Court Chief Justice William Ray Price Jr. delivered the annual State of the Judiciary Address to a joint session of the Missouri General Assembly. In a 40-minute address, Price told House and Senate members that a new strategy is required to reduce the recidivism rate of nonviolent offenders.

“The problem is that we are following a broken strategy of cramming inmates into prisons and not providing the type of drug treatment and job training that is necessary to break their cycle of crime,” Price stated. “Any normal business would have abandoned this failed practice years ago, and it is costing us our shirts.”

Price asked lawmakers to put more money into drug courts as well as DWI courts. He pointed to the more than 8,500 drug court graduates and the savings that result from drug courts as examples of the effectiveness of the program. Price also thanked House Speaker Ron Richard, R-Joplin, for inviting two drug court graduates to the State Capitol so lawmakers could witness their success stories.

Price also told lawmakers the court system could not absorb additional budget cuts but promised the courts would meet the needs of those who file 800,000 lawsuits annually in Missouri courts.

He noted that additional budget cuts would threaten their ability to handle Missouri's legal business and urged lawmakers to restore the budget cuts already enacted once the economy turns around.

### ***House Government Accountability and Ethics Reform Committee Hears Additional Ethics Bills***

On Thursday, the House Special Committee on Government Accountability and Ethics Reform heard testimony on three bills designed to change the way elected officials and lobbyists do business.

Rep. Shane Schoeller, R-Willard, presented legislation he sponsors that would prohibit governmental agencies from employing lobbyists to persuade lawmakers to vote for or against legislation. HB 1872 would allow lobbyists hired with public money to monitor legislation, speak with lawmakers and provide testimony for informational purposes only.

“There needs to be a clear line that says you can monitor, you can educate, but you can't advocate. That's essentially what this bill says, that you cannot come up here and try to influence a 'yes' or 'no' vote with taxpayer dollars,” said Schoeller, who also noted the impetus for the bill was an incident that occurred in 2009 when the Missouri Department of Transportation lobbied lawmakers to pass legislation allowing police officers to stop drivers for not wearing a seat belt.

Several members of the committee questioned whether the change would have a substantive impact on the legislative process.

“If a lobbyist sits down for information only and a committee doesn't walk away with a very clear idea of if they want a 'yes' or 'no' vote, then it's a pretty poor lobbyist,” said Rep. David Day, R-Dixon, who noted he was in support of the concept.

“It seems to me we're setting up a system ... where lobbyists will be less than honest with us because they are forbidden from asking us how to vote so they then have to put all of their energy into explaining one side of the equation,” said Rep. John Burnett, D-Kansas City. “I think lobbyists perform a valuable function, and I think we should set them up to be honest with us rather than tie their hands.”

Also on Thursday, the committee listened to testimony on bills sponsored by Reps. Jake Zimmerman, D-Olivette, and Steve Hobbs, R-Mexico. Zimmerman sponsors HB 1838, which would prohibit elected officials of the state or any political subdivision or their staff from registering or acting as a lobbyist for one year after leaving office or employment.

“It is a sad day for Missouri when our ethical standards are more lax than those in both Illinois and those of the federal government. The overwhelming majority of our peer states, and particularly our surrounding states, all have some sort of ban on becoming a lobbyist immediately after leaving the legislature,” said Zimmerman.

Hobbs testified on HB 1846, legislation he sponsors that would make a variety of changes to Missouri's ethics, lobbying and campaign contribution laws.

The committee plans to meet next week to begin work on crafting one bipartisan piece of legislation from the long list of bills it has considered.

### ***Dropout Prevention Task Force Discusses Report***

On Wednesday, the House Dropout Prevention Task Force met to discuss the report it will submit to the Speaker of the House. The task force is led by Rep. Jamilah Nasheed, D- St. Louis, who is concerned by Missouri's current dropout rate.

"This is a silent epidemic. This is a serious issue and there needs to be a school improvement process to increase the graduation rate in Missouri," said Nasheed.

Rep. Jeanette Oxford, D-St. Louis, had several suggestions for the report, including raising the age a student may choose to dropout of school to 18. The group also discussed options for increasing monitoring of children at risk, beginning in the third grade. Monitoring could include a student's reading level, as well as attendance.

"Monitoring is a matter of noticing that a student is exhibiting A, B, and C problems, and then stepping in to intervene," said Oxford. Representatives from the Department of Elementary and Secondary Education echoed that suggestion, saying monitoring before third grade would be even better.

Rep. Doug Funderburk, R-St. Peters, expressed that he wanted to make sure nothing in the report would have unintended consequences for home-schooled children or children who attend private schools. The task force agreed with Funderburk's recommendation.

The task force also discussed the benefits of early childhood education, as well as longer school days. The discussion of the report was tabled to a later date to allow for more research into some aspects of the report.

### ***House Education Appropriations Committee Hears Testimony on Higher Education Budget***

Witnesses from the Missouri Department of Higher Education (DHE) testified before the House Education Appropriations Committee on Wednesday, requesting funds for higher education components such as scholarships, student loans, community colleges and University of Missouri (UM)-related institutions.

Early in the testimony, Reps. Mike Thomson, R-Maryville, who chairs the committee, and Maynard Wallace, R-Thornfield, questioned the role of the DHE in the A+ scholarship program and its expansion. The witness said that as long as DHE receives a transfer of funds from the Department of Elementary and Secondary Education (DESE), the department could successfully handle the college scholarship portion of the program. However, other program initiatives like the evaluation of high schools would remain the responsibility of DESE.

The committee also heard testimony on the Missouri Student Loan program, and Rep. Thomson wondered about the potential effects of a federal bill now being reviewed in Congress. A bill currently in the U.S. Senate would require all federal student loans to come directly from the federal government, shutting out private lenders such as banks. Many colleges and universities in Missouri are already preparing to switch to direct lending, a process that would not involve DHE at all.

“It would change our role significantly,” DHE Deputy Director Paul Wagner said. “We’re confident that there would still be a role for state guarantee agencies several years into the future, but obviously it would fundamentally change the nature of our business.”

Representatives also discussed funding for higher education institutions. Rep. Rick Stream, R-Kirkwood, said that although community colleges had agreed not to raise teachers’ salaries, some schools still implemented increases.

“We’ve got Missourians all across this state who are losing their jobs, being laid off, getting less hours, having to pay more money into their benefit programs, and getting their benefits cut,” Stream said. “And yet, some institutions felt obliged to give their teachers a four percent pay raise.... I don’t think it’s right.”

Spokespersons for UM-related institutions also testified, stating that recent budget cuts have caused their programs to run at less than full capacity. According to testimony, the Missouri Research and Education Network (MOREnet) struggled last year, eliminating 20 percent of their positions and freezing growth. MOREnet Executive Director John Gillispie testified that further cuts would cause the network to increase fees to the point that some schools would no longer be able to afford internet access.

The committee meets next week to hear more testimony on the budget.

#### ***Additional Web Links***

#### **Photos from the Week of Feb. 1-5**

<http://www.house.mo.gov/content.aspx?info=/photos.htm>

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