

MISSOURI HOUSE OF
REPRESENTATIVES



The Legislative Link

Connecting the People with the Process

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House Approves Legislation to Provide Coverage to Children with Autism Spectrum Disorders



State-regulated group insurance policies would have to provide coverage for children with autism spectrum disorders under legislation approved by the Missouri House of Representatives on Thursday. Rep. Dwight Scharnhorst, R-St. Louis, sponsors HB 1311 & 1341, which was approved by a vote of 135-18.

Scharnhorst, who sponsored similar legislation in 2009, said his bill represents a necessary change to help families with children with autism spectrum disorders. “It is incredibly important that government at this point look to the private sector to make the changes necessary to help these families that are facing huge financial impact all on their own at this point,” said Scharnhorst. “This is an issue that must be addressed because it’s coming at us in ever-growing numbers with ever-increasing elements of damage to these kids.”

HB 1311 & 1341 would require group insurance policies to provide coverage for applied behavioral analysis services (ABA) for autistic children age 18 and younger with a maximum coverage of \$36,000 annually. Supporters have stated that ABA therapy produces significant improvements in children with autism.

Several lawmakers expressed concern over the idea of placing a mandate on the private sector. Scharnhorst said he typically opposes mandates but feels the issue of autism merits a different approach. “I happen to believe that in a lot of cases we carve principles governing things like this, such as mandates, into granite. But, I would caution the members, after 62 years on this planet, I have come to the recognition and conclusion that the things you carve into granite, some day you may be eating a lot of granite powder,” Scharnhorst said.

Rep. Jeff Grisamore, R-Lee’s Summit, shared a similar view. “I believe that as you look at the discussions in the 15 states that have passed similar legislation, it all boils down to one word: discrimination,” said Grisamore. “It is simply wrong to discriminate against children with autism spectrum disorders and exclude them from insurance coverage when children with a whole spectrum of conditions from juvenile diabetes to ADHD are included in that coverage.”

Other legislators worried a mandate would place a financial burden on small businesses. “I want to see what’s best for our citizens. I understand the value of this bill,” said Rep. David Sater, R-

Cassville. “But also, from a small business point of view, I have concerns about, in small groups, the premiums going up. In these economic times, we don’t want to go down that road.”

Scharnhorst cited studies showing an autism mandate would raise premiums by less than one percent. In addition, HB 1311 & 1341 would provide an exemption to businesses with 50 or fewer employees that show the mandate increased their premiums by at least 2.5 percent compared to the previous year.

The provisions of HB 1311 & 1341 would apply primarily to Missourians receiving health insurance from small- and medium-sized employers. Missourians with individual insurance policies would not be mandated to obtain a policy with autism coverage, but would have the option to do so. Large employers who insure themselves fall under federal regulation. The bill now moves to the Senate for consideration.

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

House Approves Manufacturing Jobs Act



On Thursday, the Missouri House of Representatives gave final approval to legislation meant to attract and retain manufacturing jobs and make Missouri competitive with other states trying to do the same. Rep. Jerry Nolte, R-Gladstone, sponsors HB 1675, which passed by a vote 134-17.

HB 1675 would allow qualified manufacturers in Missouri to keep 50 percent of their withholding tax from retained jobs for 10 years. To qualify, a manufacturer has to earn at least 10 percent of their revenues from products exported outside the United States or 20 percent of revenues on products exported outside Missouri, make at least a \$50,000 capital investment per full-time employee, and manufacture a new product. In addition, any supplier with more than 10 percent of their revenues coming from a qualified manufacturer would be able to retain 100 percent of their withholding tax on newly created jobs for three years, as long as they create at least five qualifying new jobs. The bill also includes taxpayer protections in the event the manufacturer or supplier fails to meet the requirements of the act.

During initial discussion on the bill on Tuesday, Nolte said the legislation is not about picking winners and losers, but instead is meant to be another tool in Missouri’s economic development toolbox that will allow the state to attract and retain manufacturers. “We’ve had experiences in the past where we’ve tried to attract manufacturers, and we’ve ended up having to do it on the fly. What this is going to do is have something on the shelf so when an opportunity comes to this state to attract a major manufacturer, we’re going to be able to immediately jump into action and be competitive with other states,” Nolte said.

House Minority Leader Paul LeVota, D-Independence, asked Nolte if the bill was specifically targeted at the Ford Motor Company factory located in Claycomo. Nolte indicated that keeping the factory, and the 3,700 jobs it provides, was a large part of the motivation for the bill, but that the legislation also could apply to many other companies and industries of varying sizes.

Rep. Tim Flook, R-Liberty, said Ford Motor Company was under a “full-out assault” from other states offering incentives. “If Missouri wants to be in the running to maintain Ford Motor Company as a growth company in our state, if we want to be in the running for new aircraft manufacturing or to sustain manufacturing in our aircraft industry, we need to have a program like this,” said Flook, who chairs the House Job Creation and Economic Development Committee.

Rep. Jeff Roorda, D-Barnhart, asked Nolte how Missouri currently competes with states that have a similar tool already in place.

“Absent this tool, we’re not in the game as far as I can tell. We are on the sidelines,” said Nolte. “This bill does not mean we have a slam dunk for attracting employers. This means we’re in the game and we are competitive.”

Much of the discussion on the bill focused on the economic development approach of providing incentives and tax breaks to attract and retain businesses.

Rep. Sam Komo, D-High Ridge, said incentives are a necessary tool for Missouri to be competitive. “Regardless of whether you like these incentives or you don’t, that’s not the question. Where we are now, that’s the climate we’re living in,” said Komo. “Credits and incentives are what happens from state to state regardless if we like them or not. So, we can make a decision either to put our head in the sand and not act on them or actually do something.”

“We can’t wear white gloves and pretend we’re above the competition that goes on between other states. If you want to be above that, your state will be in decline as other states use incentives to cannibalize your existing businesses,” said Flook.

The bill now moves to the Senate for discussion.

House Passes Bill to Reduce Phone Access Fees



The Missouri House of Representatives gave final approval Thursday to legislation that would gradually reduce the access fees many Missourians pay each time they make a long distance phone call within the state. HB 1750, sponsored by Rep. Tim Jones, R-Eureka, passed by a vote of 111-40.

During initial debate on the bill, Jones said consumers would benefit from the change. “Consumers will eventually enjoy lower prices and a greater choice of services. Outdated and restrictive regulation contributes to an environment that limits these benefits. Currently, many customers in our state face artificially expensive rates based simply upon where they happen to live,” said Jones.

Currently, when a customer in one part of the state calls a customer in another part of the state using a different phone company, a per minute access fee is charged. While the FCC regulates the access rates for interstate calls, the State of Missouri is responsible for regulating access fees for long distance calls made within the state. Jones said Missouri’s intrastate access rates are some of the highest in the country.

“If an AT&T landline customer in Joplin places a long distance call to a landline customer in Sarcoxie, who is probably using a company such as Centurylink, there is an 8 ½ cent per minute access rate charge,” said Jones, who also pointed out that access fees for out-of-state phone calls are approximately a half cent per minute.

HB 1750 would require a gradual reduction in the access fees phone companies charge one another. Companies would have a 10-year period to reduce fees.

Opposition to the bill came from several rural lawmakers who worried the loss of revenue caused by the access rate change would discourage telephone companies from providing services in their areas.

“We have a tendency to look at these companies as money grabbers, and all they want to do is make a profit. But, I want to point out that my long distance carrier has come into my district with their own money this past year and they provided high speed internet to just about the entire county. So they did, they took a big chance,” said Rep. Ward Franz, R-West Plains. Franz said the telecommunications company planned to expand into surrounding counties in the near future. “If we pass this bill, we’re putting that in jeopardy,” Franz said.

Jones responded that the legislation was crafted to exclude small, rural telephone companies serving less than 25,000 customers. He said the change could cause rates to go up for some consumers, but the long-term result would be cost savings to consumers in all parts of the state.

“By passing this bill, your constituents, your consumers, no matter what little pocket of Missouri you’re in, will ultimately benefit,” said Jones. “Everyone agrees access reform’s time has come.”

The bill now moves to the Senate for consideration.

House Rejects Property Tax Increase for Farmland

On Thursday, the Missouri House of Representatives rejected a recommendation by the State Tax Commission that would have increased property taxes on Missouri’s best agricultural land. The House gave final approval to SCR 35 & 32, handled by Rep. Brian Munzlinger, R-Williamstown, by a vote of 143-11.

In December, the State Tax Commission recommended increasing the productive values for the highest quality of agricultural land. The productive values are used to determine the amount of property tax paid by land owners. The commission’s proposal would have raised taxes on the most productive agricultural land, which generally consists of cropland, by 30 percent and decreased taxes on less productive land. The changes would have resulted in an 11 percent tax increase statewide.

Agricultural land in Missouri is divided into eight categories based on quality. The best land is categorized as Grade 1 and the worst as Grade 8. The ruling of the commission would have increased the value for land in the four best categories, lowered values for the next three categories, and kept the lowest category the same.

The tax changes would have taken effect in 2011 if the House and Senate had not approved the resolution rejecting the commission’s recommendation. By law, the Missouri General Assembly had 60 days from the start of the legislative session to act on the recommendation.

House Gives Final Approval to Special Elections Bill

On Monday, the Missouri House of Representatives gave final approval to legislation that would require special elections to fill vacancies for the U.S. Senate and most statewide elected offices. The House approved HB 1497, sponsored by Rep. Jason Smith, R-Salem, by a vote of 90-62.

The bill would require special elections to fill vacancies in the offices of lieutenant governor, attorney general, secretary of state, state auditor, state treasurer and United States Senator. Under current law, the governor appoints a replacement if a statewide office becomes vacant. HB 1497 would allow the governor to appoint a temporary replacement for U.S. Senate, auditor or attorney general until a special election could be held. The bill would allow the governor to manage the offices of secretary of state or treasurer until a special election.

Speaking in opposition to the bill was Rep. Jeff Roorda, D-Barnhart, who questioned the motivation for the change. "All we've done this session is one grand distraction after another. This is so blatantly political, this bill... to change the way we appoint offices because there's a Democrat in the governor's mansion," said Roorda.

"This bill is all about giving the power back to the people. This is about the people deciding who represents them first and last. That is why we have this bill here, to represent the people. It's not a political opportunity," Smith responded. "It's about what's right for the State of Missouri. Let's make sure Missourians have the right to elect who governs them."

The bill now moves to the Senate for consideration.

House Committee on Energy and Environment Holds Public Hearing for HCR 46.

On Tuesday, the House Committee on Energy and Environment held a public hearing for HCR 46. HCR 46, sponsored by Rep. Doug Funderburk, R-St. Peters, urges the Environmental Protection Agency to rescind its formal endangerment finding on greenhouse gases and urges the Missouri congressional delegation to vote against H.R. 2454, known as Cap and Trade.

Funderburk presented testimony that the EPA data is based on information from the Intergovernmental Panel on Climate Change, or the IPCC. The International Journal of Climatology has claimed that the IPCC computer models on climate change are wrong. According to Funderburk, many geologists agree that most greenhouse gases are caused by the ocean, and not by man, concluding that man is not responsible and cannot slow down global cooling or global warming.

"The overall concerns are that if Cap and Trade is passed into law, or if the EPA is allowed to continue with their endangerment findings, we are going to see a huge driver pushing up the cost of energy. It will deter job creation in the United States, and it will further push jobs overseas. In our current status, this would be all the more devastating with an unemployment rate currently around 10 percent," Rep. Funderburk said.

The American Clean Energy and Security Act of 2009, also known as H.R. 2454, establishes a Cap and Trade system for greenhouse gas emissions. The cap gradually reduces covered greenhouse gas emissions to 17 percent below 2005 levels by 2020, and 83 percent below 2005 levels by 2050.

Rep. Jason Holsman, D-Kansas City, was not convinced by the scientific information presented by Funderburk refuting the theory of global warming. “In 1491, would geologists have said the world was flat? It goes to show the point that science is ever-evolving and changing, information evolves. I don’t want to get into ‘your scientists are right, my scientists are wrong’, because I have NASA scientists that say something completely different,” Holsman said.

Testifying in favor of the bill were the Missouri Chamber of Commerce and Industry, the Association of Missouri Electric Cooperatives, and the Missouri Trucking Association.

Testifying in opposition of the bill was Dr. Caroline Davies, Associate Professor of Geosciences at the University of Missouri-Kansas City. “For most of the scientific community of the world, this is not a debate. We know the world climate is changing. We know it is changing faster than any time before, and we know that it is human driven,” Dr. Davies testified.

Also heard was HB 1402, sponsored by Rep. Stanley Cox, R-Sedalia, which would exempt certain water systems that serve charitable or benevolent organizations from certain rules relating to well construction.

No further action was taken on either bill.

House Committee on Workforce Development & Workplace Safety hears testimony on HB 2059 and HB 1987

On Monday, the House Committee on Workforce Development & Workplace Safety held a public hearing on HB 2095. The bill centers on protecting the Second Injury Fund, which was created during World War II to assist the disabled, particularly veterans, in obtaining employment. Currently, the fund covers benefits for physical rehabilitation, permanent total disability, permanent partial disability, uninsured medical, uninsured death, and second job wage loss. The Second Injury Fund benefits are funded by a three percent surcharge assessed on employers as a percentage of total insurance premiums paid.

HB 2059, sponsored by Rep. Barney Fisher, R-Richards, would change the laws regarding workers' compensation and the Second Injury Fund. The two main provisions of the bill would move permanent partial disabilities back under Workers' Compensation, and ensure that the fund will cover cases of permanent disability where an employee has a preexisting permanent partial disability from a prior work related injury, or from prior active military duty. Fisher believes the changes would allow the fund to last longer without raising the surcharge cap of three percent.

Wanting to ensure that only workplace-related injuries would be covered, Rep. Doug Funderburk, R-St. Peters, raised a question about the types of injuries the fund would cover. “At the end of the day, with this bill, the workers will still be protected on the workplace and protected for injury that’s truly caused by some injury related to their employment?”

“The intent is that this is an injury fund. This is not a Brahma bull-riding on the weekend, not obesity, not a Type 2 Diabetes fund. It should deal with workplace injuries,” Fisher responded.

The issue of insolvency was also raised during the discussion. Rep. John Burnett, D-Kansas City, brought up audits that had been conducted on the injury fund by Price Waterhouse Coopers, as well as State Auditor Susan Montee. Both audits suggest that the second injury fund will soon

run out of money. Burnett inquired what would happen if the fund runs out of money. Fisher responded that there is currently no answer from the Attorney General's office.

Testifying in favor of the bill were representatives from the Associated Industries of Missouri, AFLCIO, Missouri Chamber of Commerce and Industry, and the Missouri Restaurant Association. Testifying in opposition was Mark Moreland from the Missouri Association of Trial Attorneys.

Also discussed in the hearing was HB 1987, sponsored by Rep. Shane Schoeller, R-Willard. The bill would increase the number of weeks an individual is eligible to receive shared work benefits under the Shared Work Unemployment Compensation Program in the Division of Employment Security from 26 to 52.

No further action was taken on either bill.

House Committee on Children and Families Hears Testimony on Legislation to Strengthen Informed Consent Laws

The House Committee on Children and Families heard testimony Wednesday on legislation that would strengthen the state's informed consent laws for abortion procedures. House Speaker Pro Tem Bryan Pratt, R-Blue Springs, sponsors HB 2000.

Under the proposed legislation, a doctor must provide his patient with certain information. This must include information about the alternatives to abortion, as well as medically relevant information about the surgery. In addition, the woman must be given the opportunity to view an active ultrasound of the unborn child. Finally, the woman must choose to either watch a video or read printed materials detailing the anatomical and physical characteristics of the unborn child, and stating that "The life of each human being begins at conception. Abortion will terminate the life of a separate, unique, living human being".

Another major component of the bill includes criminalizing the coercion of a woman into having an abortion. In the most serious case, this bill would make that crime punishable as a class A felony, which can result in up to 30 years in prison. The legislation outlines a few distinct ways in which a woman can be coerced to have an abortion. These include threatening to, attempting to or actually going through with any of the following: 1) firing or otherwise punishing the woman in the workplace, 2) revoking a college scholarship, 3) poisoning the woman with the intent of killing the unborn child or 4) causing the woman to have an abortion as a result of another punishable crime such as assault or stalking.

During his testimony, Pratt said he believes the bill will find widespread support. "I firmly believe that no matter where you're at on the abortion spectrum, I think you can take a look at this bill and say, at least on the informed consent, a woman ought to have access to this information," Pratt said. "Coercion, I don't care where you're at on the abortion spectrum; no woman should be coerced to have an abortion."

Rep. Cynthia Davis, R-O'Fallon, chairs the committee and sponsors HB 1327, which is similar to HB 2000. Davis hoped that, if passed this year, the bill's informed consent clause would create a better doctor-patient relationship for women seeking abortions.

“The goal is to not put these women on a conveyor belt and treat them like a hunk of raw meat,” Davis said. “They deserve more than that. Last I checked, an abortion costs around \$500 for a simple one, so you’re already more than a filling in your mouth. And if I would get the respect of the dentist talking to me ahead of time, I think certainly the women deserve more than that.”

Rep. Jill Schupp, D-Creve Coeur, questioned whether the bill itself was trying to influence a woman’s decision, especially in relation to mandated signs that would warn patients of the illegality of coercing an abortion.

“This is a bill that serves to shame a woman for this particular decision that she has made,” Schupp said. “This reminds me of the Wizard of Oz, and Dorothy and her friends walking through the forest, and there’s a sign that says ‘if I were you, I’d turn back now’. This is the kind of additional pressure being put on a woman to shame her about what she is making a choice to do.”

HB 2000 would also mandate that if a minor receives an abortion, healthcare professionals must report the operation to law enforcement officials, who then will investigate whether a crime has occurred.

Representatives from Missouri Right to Life, the Missouri Family Network, the Missouri Catholic Conference and Campaign Life Missouri testified in favor of the bills, while a representative from Planned Parenthood testified against them.

No further action was taken on the bills.

George Caleb Bingham Inducted into Hall of Famous Missourians



This week, House Speaker Ron Richard, R-Joplin, unveiled the newest bronze bust sculpture to be placed into the Hall of Famous Missourians in the State Capitol. George Caleb Bingham is the 36th addition to the collection of busts lining the halls of the 3rd floor rotunda.

Bingham, an Arrow Rock, Missouri native, is best known for his paintings portraying the common people of Missouri and daily frontier life along the Mississippi and Missouri Rivers. Bingham is also noted for his paintings of early Missouri political campaigns and elections, which he intimately understood through his association with the Whig party.

Bingham was self-taught in law and possessed a strong sense of public duty. He was elected to the Missouri House of Representatives in 1848, served as State Treasurer during the Civil War, and was appointed Adjutant-General of Missouri in 1875.

“George Caleb Bingham has had a deep impact on the State of Missouri through his artistic portrayals as well as his work as a public servant. Profoundly known by his contemporaries as ‘The Missouri Artist’, there was no question that George Caleb Bingham belonged in the great Hall of Famous Missourians,” said Speaker Richard.

View the video - <http://www.youtube.com/watch?v=JizJfYO1mL8>

Additional Web Links

Photos from the Week of Feb. 15 - 19

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

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