

MISSOURI HOUSE OF
REPRESENTATIVES



The Legislative Link
Connecting the People with the Process

February 8 - February 12

House Approves Federal Balanced Budget Resolution



On Tuesday, the Missouri House of Representatives approved a resolution that calls for an amendment to the U.S. Constitution to require a federal balanced budget. The House approved HCR 34 & 35 by a vote of 121-28.

“It is very important that we send a message to our federal Congress that we, the State of Missouri, believe they should live within their means and get their proverbial act together,” said the sponsor of the resolution, Rep. Allen Ictet, R-Wildwood. “The federal

government needs to live within its means just as the states do because, as we all know, it is impossible to borrow your way to prosperity or to spend your way to prosperity as a federal government.”

Another sponsor, Rep. Chris Kelly, D-Columbia, said the most important reason to pass the resolution was to limit the power of the federal government. “A government which can spend without restriction can gather power without limit. And the federal government, primarily because of its ability to spend, has expanded its power exponentially beyond what the founders intended. The greatest threat to the liberty of the American people is a Congress that can spend without limitation,” Kelly said.

A portion of the debate focused on the motivation behind offering the resolution. Rep. Jeff Roorda, D-Barnhart, referred to the resolution as a “political statement” and questioned why a similar resolution wasn’t offered while a Republican was in the White House. Roorda said he thought the resolution addressed a serious issue but called its timing “suspicious.”

“This is not a new concept,” said Rep. Ictet. “It has been around for quite some time - the concern nationally for out of control spending no matter what party is in the White House and no matter what party is in the federal Senate or the federal House.”

“We do need to re-examine what we’re doing and if a balanced budget amendment takes us a step closer to spending the money we bring in so that our children don’t carry that debt forward then I’m for it,” Rep. Jason Holsman, D-Kansas City, said. “But I don’t believe that it’s a Republican or Democrat issue. I believe it’s a common sense issue and the time has come for us to get earmarks under control, our defense spending under control, our subsidies under control and start doing right by the American people.”

Also during debate, Icet added an amendment clarifying that the resolution is not a call for a constitutional convention. HCR 34 & 35 now moves to the Senate for consideration.

View the video - <http://www.youtube.com/watch?v=7RFJp9PcfZM>

House Approves Resolution Urging Congress to Refrain from Sending Unfunded Mandates to the States

On Thursday, the Missouri House of Representatives approved a resolution calling on Congress to cease and desist from imposing unfunded mandates on Missouri and other states. The House passed HCR 38, sponsored by Rep. Allen Icet, R-Wildwood, by a vote of 137-16.

“This is a very simple resolution that basically asks our federal government, the House and the Senate, to please stop sending the 50 states unfunded, or even partially funded, mandates,” Icet said.

During discussion on the floor, Rep. Jeff Roorda, D-Barnhart, questioned spending time discussing a non-binding resolution rather than what he termed substantive legislation. He also asked for clarification on the intent of the resolution.

In response, Icet said the intent was to ask the federal government to operate under the same constraints that prevent the Missouri General Assembly from passing unfunded mandates. “We should not be able to tell school districts or counties that you have to do this and we the state are not going to pay for it. So, (the resolution) is asking our federal colleagues to abide by those same rules,” said Icet, who used as an example the corrective action taken by the Missouri General Assembly to address an unfunded mandate created by concealed carry legislation passed in 2003. The Missouri Supreme Court ruled the law did not have to be enforced in four counties where it caused an unfunded mandate because it did not provide funding for sheriffs’ offices to accept and process applications. The Missouri General Assembly corrected the issue in 2004.

“I think it’s important that we as a state have the opportunity to say no we do not want to participate,” said Icet. “Sometimes, it’s not just strings the federal government attaches. It’s more like chains.”

House Gives Final Approval to Bill Requiring Drug Tests for TANF Recipients and Elected Officials

On Thursday, the Missouri House of Representatives gave final approval to legislation that would implement a system of drug testing for elected officials and Temporary Assistance for Needy Families (TANF) recipients and applicants suspected of using illegal controlled substances. The House approved HB 1377, sponsored by Rep. Ellen Brandom, R-Sikeston, by a vote of 114-39.

Brandom said the bill is something her constituents support. “They do not feel as hard-working taxpayers taking drug tests to keep their jobs that they should do anything to subsidize illegal abuse of drugs,” said Brandom.

HB 1377 would require the Missouri Department of Social Services to develop a screening program by July 2011. Under the legislation, TANF applicants and recipients would be screened if there is a reasonable suspicion of illegal drug use. A failed drug test would result in the loss of

TANF benefits for one year. Dependents would continue to receive benefits through a third-party vendor. The bill also would require all state elected officials to take a blood test before being sworn into office and every two years thereafter.

Opponents of the bill said the drug testing requirements would have an adverse effect on children. “Eighty percent of the people below the poverty line are children. Poor people have children. These aren’t just individuals on drugs. They’re parents with children,” said Rep. Michael Brown, D-Kansas City. “When you take things away from the parent, if you’re not helping the parent, you’re hurting the children. I think your legislation is going to hurt children.”

“I hope that if the parent wants her or his 58 dollars, which is the dollar amount, it would be an enticement to not be doing drugs,” said Brandom in response.

Opponents also criticized the bill for unfairly targeting minorities and those living in urban areas. “Are you inclined to believe that people who are in the urban areas are more inclined to test positive for these drugs?” asked Rep. James Morris, D-St. Louis.

“Absolutely not. You come to a poor rural part of Missouri and there’s no difference between the urban and the poor rural,” said Brandom.

Critics also questioned the cost associated with the bill. Administering the drug tests is estimated to cost \$2.6 million in the first year.

The bill now moves to the Senate for consideration.

View the video - <http://www.youtube.com/watch?v=TP3R5cGZtpk>

House Approves Special Elections Bill



The Missouri House of Representatives gave first-round approval Wednesday to legislation that would require special elections to fill vacancies for the U.S. Senate and most executive offices. The House approved HB 1497, sponsored by Rep. Jason Smith, R-Salem, by a vote of 88-59.

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.

“This bill is all about giving the power back to the people to make sure they have first, middle and last opportunity to always choose who represents them, to make sure that Missouri doesn’t have the possibility to have corruption as some other states have seen in the past,” said Smith. “Missourians have the right to elect their office holders at all times.”

Rep. Jeff Roorda, D-Barnhart, spoke against the bill. “I trust our governor, no matter what party he is, to carry out the responsibility that is vested in him when he’s elected,” Roorda said. “I feel like that is a good model that we’ve lived under for several decades in this state and I’m going to support keeping that model in place.”

Rep. Mike Talboy, D-Kansas City, also argued that the people elect the governor to carry out duties such as appointing replacements for statewide offices and U.S. Senator. “I think the people of Missouri should be able to elect the governor, and if that governor has those duties, then I trust in the people that they understand who they’re voting for and what duties and powers they are bestowing upon them,” said Talboy.

“I don’t believe people in the State of Missouri are aware of that. If they did, they would be upset,” Smith said in response. “Anytime I talk to someone who does not understand that if there’s a vacancy for U.S. Senate or another statewide office that the governor would appoint it, they go crazy thinking why don’t we have the right?”

The bill requires another vote from the House.

House Public Safety Committee Considers Ban on Texting While Driving

The current ban on text messaging for motorists age 21 and younger would be expanded to drivers of all ages under legislation heard by the House Public Safety Committee on Tuesday. Rep. Rodney Schaad, R-Versailles, sponsors HB 1205, which he says would serve as an effective deterrent to what has become a prevalent problem.

Much of the discussion on the bill focused on the difficulties faced by law enforcement in enforcing the current texting ban.

“We know it is difficult to enforce. Law enforcement officers will tell you that it’s a difficult one to enforce,” Schaad said. “But, it is my belief that just the fact that young people, and adults now, know it’s against the law might reduce the amount of time people are texting while driving.”

Rep. Jeff Roorda, D-Barnhart, said he supports the idea but raised concerns about how law enforcement would determine if a cell phone was being used for texting or for an allowable function such as GPS features. “We have this subjective standard for law enforcement where they have to look at a driver and determine if they are texting or using their cell phone for an allowable use. We give no authority to law enforcement in the current statute or in your bill to inspect the device to determine what its immediate use had been before the traffic stop,” said Roorda.

Schaad indicated he was willing to consider anything the legislature can do to address the problems created by texting while driving. Brad Thielemier of the Missouri State Troopers Association testified that combining the texting while driving provision with Missouri’s law against careless and imprudent driving might make it easier for law enforcement officers to enforce.

While no opposition to the bill was voiced, Rep. Scott Dieckhaus, R-Washington, questioned whether the bill was legislating just one behavior that distracts drivers. “This makes about as much sense to me as outlawing putting on makeup while driving, reading the newspaper while

you drive down the road, or shaving before you go to work,” said Dieckhaus, who also raised concerns about the enforcement of the ban. “I can pick up my phone. I can look at the numbers. I can dial the numbers to make a phone call but I can’t look at my phone to push the buttons to send a text message. It just doesn’t make much sense to me.”

“I have the same concerns you do,” Schaad said in response. “However, this phenomenon has reached epic proportions. I think if we can do nothing else but get our young people’s attention, and adults as well, we are going to save a life. If we can save one life, it will be worth it all.”

The committee took no further action on the bill.

House Public Safety Committee Hears Bill Aimed at Criminalizing New Synthetic Drug



Members of the House Public Safety Committee heard testimony on Tuesday on a piece of legislation that would make the components of a new synthetic drug, commonly referred to as K2, illegal. Rep. Ward Franz, R-West Plains, sponsors the legislation that comes in response to what he says is a growing problem.

“What we’re seeing ... I would basically say it’s becoming an epidemic,” said Franz, who stated he first learned about K2 in November of 2009. “It’s important that we get the word out because what we’re running into is that so many people, including adults, think it’s legal so it must be safe. That’s something I don’t think is the case.”

K2 is a synthetic marijuana substitute that has become popular in recent months. The synthetic cannabinoids contained in K2 are very closely related to tetrahydrocannabinol, or THC, the chemical in marijuana. However, because the chemicals in K2 are slightly different than THC, they are not covered by existing drug laws. The legislation sponsored by Rep. Franz would add the synthetic cannabinoids used in K2 to the Schedule I list of controlled substances. Schedule I drugs include substances such as heroin and marijuana.

Witnesses testifying in favor of the bill noted that many users of K2 have indicated its effect is even stronger than the effect produced by marijuana. “Everyone so far has informed me that it’s 10 times as strong as marijuana. Some people on probation and parole now are trying to smoke it just because they think they can get away with it,” said Missouri State Highway Patrol Sgt. Ethan Ahern, who indicated he had conducted several interviews with users of the substance.

Witnesses also expressed concern over the fact that anyone with the money to purchase K2 can do so regardless of age. “The problem we’re seeing is that a 10-year-old child could walk into a shop and buy it because it’s not tobacco. It’s an incense. It would be no different from buying potpourri at a store,” said West Plains Police Department Detective Shawn Rhoades. Rhoades also stated that a West Plains high school student was hospitalized last month after smoking K2. He said a store selling K2 is located three blocks from the high school and middle school in West Plains.

“We need to deal with this now,” said Franz, who noted Kansas and several countries have taken action to ban K2. “It’s not just a Missouri thing, but Missouri needs to be at the forefront and be proactive in dealing with this.”

House Committee on Healthcare Transformation hears Testimony on HB 1548



On Tuesday, the House Committee on Healthcare Transformation held a hearing on HB 1548, sponsored by Rep. Don Calloway, D-St. Louis. The bill would establish the High School Sports Brain Injury Prevention Act, which requires school boards to work with the Missouri State High School Activities Association to develop guidelines regarding head injuries during sports activities.

“The goal of this bill is to make sure that our high school youth who participate in sports are protected from traumatic brain injuries at the high school level and into their adulthood,” said Calloway. “I am a sportsman myself, and as you probably know, this is part of a larger discussion about youth and sports. I want to make it very clear; this is not a ‘football bill’ specifically. The leading cause of brain injuries and head trauma in high school sports is women’s soccer. This is about a variety of athletes across the spectrum of sports that Missouri offers for our young people to participate in.”

The bill would require players exhibiting symptoms of a concussion to be kept out of practices and games until they are cleared by a licensed health care professional. Athletes and their families also would need to be provided information about concussions and head injuries.

Rep. Mike Lair, R-Chillicothe, a former coach, weighed in on the subject. “It’s a shame we have to have this conversation, because all it means is the coaches were not receptive to the problems of their kids. It’s just kids playing a game. It’s important to a lot of people, but it’s just kids playing a game,” Lair said.

Members of the committee questioned whether some athletic trainers, who are included in the definition of a health care provider, would be qualified to make a decision about a student athlete’s ability to play.

“A trainer might not be a licensed health care provider. When I was growing up, the trainer was the person who liked to be around the team, and he or she had no real licensing,” Rep. James Morris, D-St. Louis, said. Morris also told a personal story about his son sustaining a concussion. Because there were no medical professionals on the sidelines, Morris made the decision to take his son out of practice and to the hospital.

Calloway clarified that a licensed health care provider would be a certified athletic trainer with knowledge of head injuries, doctors, nurses or nurse practitioners, and they can volunteer their time.

Dr. Mark Halstead, a physician at Washington University Hospital who specializes in sports medicine and head injuries, testified in favor of the bill. Support also came from representatives from the Brain Injury Association of Missouri and the Missouri State High School Athletics Association.

The committee took no further action on the bill.

House Committee on Elections hears Testimony on HJR 64 and HB 1966

On Tuesday, the House Committee on Elections heard testimony on HJR 64, which proposes a constitutional amendment changing the voter identification laws. Introduced by Rep. Stanley Cox, R-Sedalia, HJR 64 would go before voters to authorize a change to the constitution, which would allow legislators greater authority to regulate elections, including the authority to enact a law requiring photo identification prior to voting.

“In our society, in order to board a commercial airliner, to purchase cold remedies, to rent a video, to do many, many every day activities, we are expected to identify ourselves with photo identification, it seems reasonable to apply those minimal requirements upon people who choose to do one of the most important acts of our civil responsibilities, to cast a vote,” said Rep. Cox.

Rep. Beth Low, D-Kansas City, questioned the specification of government-issued photo identification. “Isn’t it true that right now people already have to provide some form of identification when they go to vote?” Low asked.

Some other concerns about the legislation pertained to citizens who might have some difficulty or expense in getting an original birth certificate in order to get a valid photo ID.



Also discussed was HB1966, which would allow for an advance voting period for an election in which any statewide office is on the ballot. The bill is sponsored by Rep. John Diehl, R-Town and Country, and would allow Missouri counties to hold advanced voting up to two weeks before an election.

“What this bill does is try to interject some reasonable, manageable framework for early voting,” said Diehl. “I think, while this may not be perfect, most election administration people would see this as a good alternative to some other alternatives out there for early voting.”

Rep. Tony Dugger, R-Hartville, was concerned with funding for early elections, as well as the burden that would be placed on county clerks. “What assurance can you say that the state is going to fund this program for the county clerks?” Dugger asked. “Instead of having the polls open from 7 a.m. to 6 p.m., that they would be open during regular business hours, to not put an undue burden on our county clerks.”

The committee took no further action on either bill.

House Higher Education Committee Considers Bill to Ease Renewal Requirements for Access Missouri Scholarships



College students receiving need-based financial aid through the Access Missouri Program would have an easier time keeping their scholarships under legislation considered by the House Higher Education Committee on Tuesday. Rep. Mike Thomson, R-Maryville, sponsors HB 1437, which would lower the scholarship renewal requirement for students with 60 semester hours or less from a 2.5 grade point average to a 2.0.

Thomson told the committee the change is needed because the current renewal requirement for the need-based scholarships is identical to the requirement to retain Bright Flight merit-based scholarships. “The current requirement for renewal has turned this award into a merit award. It basically conflicts itself,” Thomson said. “It starts out as a need-based award and turns into a merit award, which I believe is inappropriate.”

Zora Mulligan with the Missouri Department of Higher Education testified in support of the bill, saying the Access Missouri Program grew out of the recommendations of a group of financial aid advisers who originally recommended a GPA requirement of 2.0. Mulligan told the committee a change to the renewal requirements would be beneficial to students in challenging academic programs as well as first-generation students who aren’t accustomed to the academic rigors of college.

According to numbers provided by the department, more than 46,000 students currently receive Access Missouri scholarships with an average annual award of \$1,895. Of the more than 18,000 first-year students receiving scholarships, 17 percent ended their first year of college with a GPA between 2.0 and 2.49. The department estimates that nearly 1,800 additional students would keep their scholarships if the renewal requirement is lowered.

Dean of Enrollment Management for Missouri University of Science and Technology, Jay Goff, said the change would make a difference for the students at his university. “We had over 600 students last year who lost their need-based aid because of their inability to maintain that 2.5 GPA,” Goff said. “Although the University of Missouri System very strongly supports the idea of high standards in academics and pushing our students to do their best, we recognize that first-generation and low-income students tend to be the most impacted when need-based aid has a merit requirement.”

Joseph Karl with the Associated Students of the University of Missouri told the committee that above average students are penalized under the current requirements. “If you get two Bs and 3 Cs your freshman year of college, you will lose Access Missouri the way it is currently set up. Some of you may recall your freshman year of college and you may not have received that,” said Karl.

The committee discussed several approaches to changing the renewal requirements for the program. Rep. Rebecca McClanahan, D-Kirksville, questioned whether it might be best to allow universities to determine satisfactory progress for renewal without a GPA requirement. Rep. Chuck Gatschenberger, R-Lake St. Louis, suggested increasing the GPA requirement in increments corresponding with semester hours completed. Rep. Thomson said he included the lowered GPA requirement in HB 1473 because he thought it would give the bill its best opportunity for passage.

“My whole purpose in filing this bill is to try to make college more affordable and more accessible for more people and to try to keep them in school,” said Thomson. “As an ex-guidance counselor, I have known many students who, if they lost a full scholarship in that first year, it significantly changed what they did in the next three or four.”

The committee took no further action on the bill.

Additional Web Links

Photos from the Week of Feb. 8 - 12

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

Capitol Dialogue – February Episode

<mms://wmvstream.dese.mo.gov/cdfbruary2010>

Reps. Ed Emery, R-Lamar, and Sam Komo, D-High Ridge, join Sen. Carl Vogel, R-Jefferson City, and host Bob Priddy to discuss economic development issues.

Missouri Legislative Update – January Episode

<mms://wmvstream.dese.mo.gov/mlujbruary2010>

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