



Prestige + Powers

Strategic Government Relations

The Powers Report

A Weekly Summary of Activities in Jefferson City

The Powers Report is produced by Prestige Powers, a strategic government relations firm.

www.PrestigePowers.com

February 12, 2010

DNR is in for another public beating next week

The chairman of the Senate Commerce Committee – Sen. Brad Lager (R-Savannah) – says he has a draft report on the committee’s investigation into the issue that overflowed last summer regarding high levels of e-coli bacteria at the Lake of the Ozarks and the delay in releasing that information to the public. But he wants to add one last section – dealing with elevated levels of chromium 6 in the drinking water at Hannibal.

Lager says he’s troubled by reports that DNR let several months elapse between a chromium 6 spill upstream from Hannibal and tests on the quality of Hannibal’s water. So he has scheduled a committee hearing for Wednesday afternoon to give DNR director Mark Templeton an opportunity to explain and take questions.

Meanwhile, the PR disaster continues to impact DNR’s funding problems. DNR has been saying for years that it needs higher fees to run a proper water quality program, but refuses to request higher fees because of the caustic atmosphere that has developed in the wake of the e-coli situation. As an added headache, the fees DNR claims are inadequate are scheduled to expire entirely at the end of the year. A bill was filed this week to simply extend those “inadequate” fees to the end of 2012.

Fits and starts on the ethics front

The House ethics committee has decided to take an unusual path. Rather than writing a committee substitute for one of the many ethics bills heard in the committee – like the one filed by Rep. Steve Tilley, for instance – committee chairman Rep. Kevin Wilson (R-Neosho) has decided on a new approach. He’s going to throw all the bills into one pot, like fish in a barrel, and the committee will proceed to throw out the measures they don’t like, one at a time, until they’re left with something everyone can support. Then, the committee will file a new bill and all sign on as sponsors of the bi-partisan end product. Then, the speaker would assign the new bill back to the ethics committee. Then, the committee will have a hearing. Then, assuming they still support their own bill, the committee will vote it out.

That process could take a couple of weeks.

“I’m hoping for a unanimous bill, but that might be a tough call,” Wilson said. “When we disagree, hopefully we can disagree agreeably.”

He's also hoping the end product isn't so watered down as to be meaningless. "I'm not interested in crafting a watered-down bill just because we think it'll pass."

Meanwhile, the Senate started debating SB 577 this week, but didn't get very far. Sen. Charlie Shields (R-St. Joseph) introduced a floor substitute for his bill and it was debated for a couple of hours and set aside.

The new version – SS SCS SB 577 – has grown to 63 pages. It:

- Requires legislators and legislative candidates to report campaign contributions greater than \$250 received during the legislative session within 48 hours. The same requirement extends to the governor and gubernatorial candidates during the session and during the time action must be taken on legislation. This replaces the ban on contributions contemplated earlier.
- Expands the definition of legislative lobbyist.
- Requires personal financial disclosure statements to be accessible on the Internet.
- Allows the executive director of the Missouri Ethics Commission to conduct investigations without the filing of a complaint upon unanimous agreement of the commission. This method replaces the "office of independent investigation" contemplated earlier.
- Prohibits committee-to-committee transfers, except for transfers to candidate committees.
- Requires ethics complaints to be signed and notarized.
- Bars legislators from hiring each other as political consultants.
- Requires employees of the general assembly to file financial disclosure statements and disclose any outside income of \$5,000 or more and the general nature of the business conducted.

What does Rep. Wilson think of the Senate bill? "I haven't read it. What the Senate does, the Senate does."

"Here's a cup. You know what to do."

The House this week passed HB 1377, which requires drug testing for certain welfare recipients "upon reasonable suspicion." A positive test could lead to a one year suspension of benefits. Children in the family could continue to receive benefits through a third party. Refusal to take the test automatically suspends benefits for a year.

Social workers refusing to report suspected drug use by welfare clients would be fired.

The bill also requires state elected officials to be drug tested, and any refusal to participate is considered "an admission of guilt" – the Fifth Amendment notwithstanding.

The vote on the bill was 114-39, but it looks "dead on arrival" in the Senate. The Senate tried to move its version – SB 607 – to preliminary approval this week and it was filibustered by several Democrats. Sen. Jolie Justus (D-Kansas City) tweeted, "TANF drug testing bill dead. Hope it's gone for good. Get the feeling it is a zombie bill that will keep coming back."

The budget squeeze continues

On KFRU radio this morning, Rep. Chris Kelly (D-Columbia) said, "Revenues are still falling steadily. Governor Nixon will have to make another round of cuts."

Kelly used to be budget chairman and probably knows as much about the budget process as anyone.

Public schools have been told to expect foundation formula funding to come up about \$43 million short in this fiscal year.

Part of the problem is that people aren't gambling and smoking enough. Casino and cigarette taxes are down substantially – about \$63 million.

It's expected that rural schools, which are the most dependent on the state for funding, will have the toughest time coping with mid-year cuts.

In other budget news, House Budget Chairman Allen Icet has instructed his subcommittee chairs to prepare budgets that include about \$325 million in cuts to what the governor proposed for FY11, in case federal money counted on by the governor doesn't materialize.

Fair Tax moves ahead

The Senate Committee on Governmental Accountability and Fiscal Oversight this week voted 4-2 to approve SJR 29 – the so-called “Fair Tax” that replaces all income taxes with a broad-based sales tax.

But the sponsor of the bill – and the GAFO committee chairman – says he'll kill his own bill if the anticipated sales tax rate gets as high as seven percent. The initial estimated rate was 5.11%, but new calculations put it between six and seven percent. Opponents claim the rate could hit 11%.

The committee vote was Thursday morning. When the Senate accepted committee reports later that day, the GAFO report was not included. That decision is controlled by President Pro-Tem Charlie Shields.

By the way, the GAFO committee also voted on Sen. Jason Crowell's proposal to require tax credits to go through the appropriations process. The bill failed on a vote of 3-3.

Here's a list of the bills passed by either chamber this week

- HB 1377, the drug testing bill
- HB 1540, requires judicial procedures for infractions to mirror those of a misdemeanor
- HB 1544, extends the state's eligibility for extended unemployment benefits
- HCR 34, asking Congress for a federal balanced budget amendment
- SB 586, the porn bill
- SB 604, prohibiting large water users from disrupting irrigation activities in the Bootheel
- SCR 36, asking Congress for a federal balanced budget amendment
- SCR 37, urging the state attorney general to investigate the “Cornhusker Kickback” in the federal health care bill

Your lobbyist will have any information you need on the above.

165 bills filed this week

Some are interesting and some boggle the mind:

- HB 2001 – HB 2013 are the budget bills, which this year resemble crying towels.
- HB 2055 prohibits anyone younger than 21 from being in a drinking establishment, except for entertainers.

- HB 2060 creates the Fairness for Responsible Drivers Act, which keeps uninsured drivers from getting punitive damages from properly insured drivers.
 - HB 2061 prohibits drivers under 18 from using cell phones while driving.
 - HB 2074 creates the National Hunting and Fishing Day Sales Tax Holiday on guns and rods and reels and stuff.
 - HB 2078 prohibits possessing or drinking alcohol in the Capitol without an order from the governor.
 - HB 2079 requires employers to provide sick days with pay.
 - HB 2081 allows a pregnant woman to use deadly force to protect her unborn child.
 - HB 2090 prohibits acquiring a gun shop, hunting preserve, or shooting range through eminent domain.
 - HB 2094 designates March 31 as “Cesar Chavez Day.”
 - HB 2108 prohibits collecting penalties and interest from people who were too sick to pay their taxes on time.
 - HB 2117 creates the crime of disturbing a worship service. “God’s Law”
 - HB 2128 makes it legal for a person to possess a firearm, while drunk, in his or her own home.
 - HB 2131 establishes “Governor Nixon’s Federal Scratch-Off, Match-Off Fund” to use a dollar a week of the governor’s paycheck to buy Powerball tickets until the state has won \$300 million in prizes. The answer to your question is no, we don’t make any of this stuff up.
 - HB 2135 prohibits students with a failing grade from participating in interscholastic activities.
 - HB 2149 provides an income tax credit for poll workers.
 - HCR 58 designates March 27, 2010, at 8:30pm to be “Earth Hour” when Missourians are encouraged to turn off their lights for an hour and sit in the dark. The answer to your question is still no.
 - HCR 60 tells the governor to tell the Department of Revenue to pay interest on tax refunds paid more than 45 days after a return is filed.
 - SB 912 prohibits lobbyists from serving on advisory committees.
 - SB 923 establishes the Missouri Catastrophe Fund to protect insurers against insolvencies caused by earthquakes.
 - SB 926 creates the Local Foods Initiative to encourage folks to eat stuff from close by.
 - SB 937 includes bicycle purchases in the “back to school” sales tax holiday.
- Curiosities should be directed to your lobbyist.



Winnie Weber

Memories of Winnie Weber

One of the most colorful legislators in recent memory passed away this week at the age of 73: Winnie Weber. She represented a portion of Jefferson County for 16 years back in the 70’s and 80’s.

Frequently attired in a tight mini-skirt and platinum blond hair, Winnie was hard to miss. One year, she jumped out of a cake at the end of the legislative session. She was not bashful about her enjoyment for life.

“Not only did I not avoid parties,” she once told the *St. Louis Post-*

Dispatch, “I was the one who started them, and I was the one dancing on the table.”

Now that she’s free of the arthritis and osteoporosis that ravaged her in her later years, here’s hoping Winnie Weber is once again dancing on a table.

Quote of the Week

This was too easy, so you get two this week. In an interview with Tony Messenger of the *St. Louis Post-Dispatch*, former Speaker Rod Jetton said this:

“I got an application in to drive a garbage truck, and I got turned down to sell appliances. I’ve got no reputation. I have no money. I’ve got nothing.”

During a hearing on a bill requiring car dealers to avoid selling cars with windows tinted darker than law allows, Sen. Matt Bartle (R-Lee’s Summit) said this:

“Do you know of any car dealers that aren’t just bleeding out of every orifice right now?”

By the way, the ever-proper Sen. Bartle immediately blushed and apologized for his “unfortunate choice of words.”

Keep your reputation intact and your blood where it belongs, and have a great week!

##