

March 3, 2023

We are beginning to see some fireworks in the Senate. While things kept moving this week, tensions are now at the surface. March 1 marked the end of bill filing. So, we now know what the field is mostly going to look like for the remaining weeks of the session. A total of 2,248 bills were filed this year. This is cute because Speaker Dean Plocher has told his committee chairs no more than two bills may be voted out of each committee. Expect there to be some big bills. Also, expect to finally see some gloves come off next week. It's the week before spring break.

That's right. This means we're at the halfway point. 9 more weeks and no report the week of March 13. We will be in touch separately if anything comes up. We hope you have a great weekend and please don't hesitate to let us know if you have any questions or concerns!

### **Floor Debate Notes**

#### **State Road Fund**

The House dedicated floor time on Wednesday to debate HJR 37 sponsored by Representative Don Mayhew (R-Crocker). Upon voter approval, the proposed constitutional amendment would require that the State Road Fund be subject to appropriation by the General Assembly, rather than standing appropriated without legislative action. During the bill's progression, language was adopted to specify that part of the Department and the Commission's responsibility is to create the Statewide Transportation Improvement Program (STIP), which is used to determine what projects need to be completed. After a lengthy debate, the House provided the first of two necessary approval votes.

### **Committee Hearing Notes**

#### **Publication of Cost Estimates**

The Senate Transportation, Infrastructure and Public Safety Committee convened Wednesday morning to discuss SB 191, sponsored by Senator Tony Luetkemeyer (R-Parkville). The bill requires the Highways and Transportation Commission to publish cost and project completion estimates for construction or repair work on the state highway system. Legislative intent is to hold MODOt's engineering teams accountable for incorrect estimates, while reducing bidding costs and encouraging more bidders. MO Asphalt Association, and Associated General Contractors of MO, supported the bill. No opposing testimony was presented. MoDOT provided informational testimony and informed committee members that the current process maximizes MO taxpayers dollars by providing a competitive and open process.

#### **State Retirement Funds**

The House Pensions Committee convened Tuesday morning to discuss HB 222, sponsored by Representative Bill Owen (R-Springfield). Currently, there are two state pension funds, LAGERS and MOSERS, that will stop if you serve in the General Assembly or as an elected state official. The bill allows an individual currently drawing a retirement benefit under a state retirement plan to serve as a member of the General Assembly or as an elected state official and continue to draw their retirement annuity and cost of living adjustments. MO State Employee Retirement System, LAGERS, and MPERS provided informational testimony and informed committee members that with funding shortages, there have been various changes throughout the years to address those shortages and due to the 2000 plan, there have been unintended consequences. Additionally, it was stated there would be no fiscal impact to the system if the bill were to go into effect.

### **State Employee Incentives**

Representative John Black (R-Marshfield) appeared before the House Government Efficiency and Downsizing Committee Wednesday morning to present HB 471. In order to encourage retention or exceptional employment achievement, this bill provides for personnel payments to be made according to specific, written criteria, predetermined and approved by the department director in writing, at least one year prior to the exceptional employment achievement. The bill provides that payments authorized by the bill shall not exceed 20% of the employee's base wages or salary and are awarded upon the completion of the retention period in question and not more frequently than biennially (payments indicated in the bill are not considered as a bonus in violation of Article III, Section 39 of the Missouri Constitution). Committee discussion focused on the constitutionality of the incentive payments and various examples of incentive payments that are listed within the bills provisions. No supporting or opposing testimony was presented.

### **Right to Hunt and Fish**

The House Rural Community Development Committee convened Monday afternoon to discuss HJR 20 sponsored by Representative John Black (R-Marshfield). This is the House companion bill to SJR 1 sponsored by Senator Denny Hoskins (R-Warrensburg). Upon voter approval, the Resolution proposes a constitutional amendment to assert the right of Missourians to hunt and fish. Missouri Farm Bureau and Missouri Federation of Animal Owners provided supporting testimony. The Conservation Federation of Missouri provided opposing testimony stating "traditional" methods of hunting are vague and confusing and they are working with the sponsor to address the issue.

### **Creates the Expanding Public Sector Career Opportunities Act**

The House Workforce and Infrastructure Development Committee convened Wednesday morning to discuss HB 733, sponsored by Representative Mitch Boggs (R-LaRussell). Due to COVID and ongoing work for the last 3 years a lot of public employers have vacancies. This bill makes it possible for those who don't have a degree but do have a skill to qualify for certain Public jobs. Cicero Action testified in support of the bill. No other testimony was given.

### **Biweekly Pay**

The House General Laws Committee met Tuesday evening to consider passage of HB 131, sponsored by Representative Dave Griffith (R-Jefferson City). The bill allows the salaries of public (state) employees to be paid on a biweekly basis, as determined by the Office of Administration. During committee discussions, the bill sponsor emphasized that during months where current pay periods fall on weekends, state employees may be subject to multiple weeks between pay periods. Proponents of the legislation sighted the ability of the bill to pay state employees 26 pay periods versus the current 24, and that the bill was an avenue for workforce attraction. After no discussion, the committee passed the bill by a 12-0 vote.

### **Mail Sent By State Departments**

The House General Laws Committee convened Tuesday evening to consider passage of HB 510, sponsored by Representative Dave Griffith (R-Jefferson City). Currently a notice of deficiency from the Department or Revenue must be sent via certified or registered mail. This bill authorizes the Department to send a notice of deficiency to taxpayers, other than individuals, electronically, upon request. For individual taxpayers, the Department may send the notice of deficiency by first class mail or electronically at the taxpayer's request. Additionally, the bill removes a requirement that any notice sent to an applicant or recipient of blind pension funds must be sent by certified mail. Instead, the bill allows the notice to be sent by mail delivered by the United States Postal

Service. During committee discussion, substitute language was adopted to allow electronic notice upon request to be sent to candidates running for office, and changed references of "first class" to "registered". Once modified, the committee passed the bill by a 13-0 vote.

### **Don't Say Gay in Missouri**

- On Monday evening the Senate came to a halt and adjourned abruptly at 5pm when Sen. Mike Moon (R - Lawrence Co) refused to lay over SB49 his anti-gender affirming medical care bill. It is now on the informal calendar.
- On Wednesday the House Elementary & Secondary Education Committee heard HB634, sponsored by Rep. Anne Kelley (R-Lamar), which creates a prohibition on school personnel discussing or including instruction on sexuality, gender, or sexual orientation. The bill also requires school faculty and staff to notify parents if a student is showing signs of being gay.
- Advocacy organizations expect anti-gender affirming care legislation to hit the floor again next week and most likely on Tuesday. You can expect the Capitol halls and legislative offices to be jammed packed.

### **Focus on the City of St. Louis**

Crime and hope for St. Louis as a topic again this week. Topics like control of the St. The Louis Metropolitan Police Department, the St. Louis City Circuit Attorney's office were hot topics. Newly elected St. Louis City Board of Alderman President Megan Green is celebrating her 100 days in office. Last week she told a group of us what her top priorities are. She is focused on making the City of St. Louis is known for its pro-business climate, a national destination for cannabis tourism and alternative medicines, and working with regional and state leaders to make the region safe again. You can check out her milestone report [here](#).

### **In Brief...**

- On Monday, Judge John Torbitzky gave embattled St. Louis Circuit Attorney Kim Gardner a 14-day deadline to respond to the allegations made against her by Attorney General Andrew Bailey. Bailey filed a petition of *quo warranto* last week. Gardner must file her plea or response to the petition and provide a copy to Bailey's office. Gardner will remain in office while the petition plays out in court.
- Governor Mike Parson announced on Tuesday that he had selected Evan Rodriguez, 28, to serve as General Counsel for the Office of the Governor effective Wednesday March 1<sup>st</sup>. Mr. Rodriguez joined the Governor's Office as Deputy General Counsel in April 2021. Immediately prior to serving as Deputy Counsel, Mr. Rodriguez served as a Legislative Analyst for the Missouri House of Representatives. He joined the Attorney General's Office as an Assistant Attorney General directly out of law school.
- On Tuesday, Governor Parson signed the Fiscal Year 2023 early supplemental budget bill. It includes \$20 million for school safety grants. The program supports physical security upgrades and associated technology in school facilities (e.g., door locks, monitoring systems), bleeding control kits, and automatic external defibrillators. Read more [here](#).
- Former Nixa Representative Tricia Derges was sentenced to six years and three months in prison for fraud, lying and distributing controlled substances without a valid prescription. Her attorney, Al Watkins, sought probation but U.S. District Judge Brian C. Wimes stated at no time did Derges express contrition over her actions. In addition to the prison sentences, Derges was ordered to make restitution of \$500,000 to former patients. (I forgot about her.)
- On Tuesday, the Eastern District Court of Appeals ruled Missouri must issue a medical marijuana license to an applicant who was not informed that a key piece of paperwork was missing from its submission. MO CANN Do Inc., which sought a license for a growing facility in Cuba, MO, is one of the rare instances where a challenge to a marijuana

licensing decision has prevailed. As of Tuesday, there are 66 licensed growers and 215 dispensaries licensed to operate in Missouri.

- On Wednesday evening the Senate debated SB117, sponsored by Sen. Tony Luetkemeyer (R-Platte Co), which modifies the statute of limitations for certain claims against hospitals. During debate, a substitute was offered which includes provisions creating a statute for gender affirming medical care claims. The bill was laid over after several hours of discussion.
- The UM System and Missouri Office of Broadband are [seeking](#) public comment on how to boost access to high speed internet across the state

### **Budget Update**

The Senate Appropriations finished hearing from the various departments regarding their budget requests this week and it is expected that the House will begin the mark-up process for the FY2024 budget next week.

The House Budget Committee convened Wednesday afternoon to discuss HBs 17, 18, and 19, sponsored by Representative Cody Smith (R-Carthage). These are the three capital improvement bills for the FY2024 budget and include Reappropriations, Capital Improvements-Maintenance and Repair and Capital Improvements-Construction Renovation. The reappropriations total for HB 17 is \$448,216,110 and includes general revenue, bond revenue, federal funding and various fee sourced funding. The maintenance and repair total for HB 18 is \$501,228,184 and includes general revenue, federal funding, and various fee sourced funding.

The construction renovation total for HB 19 is \$505,177,891 and includes general revenue and various fee sourced funding. The hearing was relatively short, and few questions were asked. However, the biggest concern from the committee members was regarding a proposal in HB 19 which would include the purchasing and remodeling of the MoDOT building. Committee members expressed concern the building may be too old to salvage and a completely new facility may need to be built. Chairman Cody Smith informed the committee a hearing will be held next week to allow budget committee members to ask questions of the various departments.

### **Hearings**

**House:** <https://house.mo.gov/AllHearings.aspx>

**Senate:** <https://www.senate.mo.gov/hearingsschedule/hrings.htm>

### **Key Upcoming Dates:**

- March 1, 2023 – Last Day to File Bills
- March 9 – 20, 2023 – Legislative Spring Break
- April 10, 2023 – Easter Break – No Session
- May 5, 2023 – Constitutional Deadline to pass the FY2024 state budget
- May 12, 2023 – Last day of Legislative Session
- July 1, 2023 – First day of the new fiscal year
- July 14, 2023 – Last day for Governor Parson to sign or veto legislation
- September 13, 2023 – Veto Session

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