

IN THE NEWS THIS WEEK

NEWS BRIEFS FROM AROUND THE CAPITOL

MAY 18-26, 2009

May 18, 2009

NOTE: Information copied directly from media source

Nixon's Week 18 Grade: B +

KY3 Political Notebook, David Catanese

There's a fair argument to be made that Nixon didn't deliver on some key initiatives. But here's why The Notebook grade reflects credit where credit is due. In the end, he got his economic development package and Republican Senate Majority Leader Charlie Shields praised Nixon's behind-the-scenes negotiating tactics in helping craft the agreement.

Missouri Chamber concludes legislative positives outweighed negatives

Missouri Net, Steve Walsh

Missouri Chamber of Commerce President Dan Mehan points to the economic development bill with an expansion of the Quality Jobs program as a huge development, and admits it was touch and go for a while as it was unclear whether the bill would pass. Another major positive Mehan sees is funding that will open business opportunities with China. A disappointing development for Mehan is failure of the General Assembly to approve legislation that would have allowed Missourians to vote on keeping the secret ballot a part of union organizing in the state.

Two special session topics emerge

Missouri Net, Bob Priddy

Governor Nixon points to some unfinished business by the legislature but is not eager to call lawmakers back anytime soon to take care of it. The numbers tell a story: 1773 bills introduced; 160 sent to the Governor. Twenty-two were just for the state budget, meaning 92 percent of the non-budget bills did not pass in their original form. Although lots of issues did not make it, just a few are of high enough visibility or priority to generate any discussion of whether to call a special session to deal with them. This year, just two have bubbled to the top in the earliest discussions--with expansion of healthcare coverage for low-income Missourians the biggest one. The other issue is a requirement that insurance companies cover autism disorders. It also cleared the Senate but couldn't make it through the House. He says, "It's certainly on my list to look at but I haven't made a decision."

Term limits heighten party roles

Party politics more evident because of higher turnover

Columbia Daily Tribune, Terry Ganey

Term limits helped define the process and outcome of this year's legislative session.

Dozens of House members elected in 2002 will be turned out of office after next year, and many are jockeying for position to run for soon-to-be vacant Senate seats. It helped create an atmosphere that was more partisan than ever. Nixon is a Democrat whose campaign platform included a promise that he would restore poor people to the state's taxpayer-funded health care system. During the session, hospitals came forward with a plan to tax themselves to draw down federal funds that could fund the expansion. Using \$147 million of such funds, about 35,000 people making 50 percent of the federal poverty level could be covered. The Missouri Hospital Association and business groups such as Associated Industries of Missouri endorsed the plan. The Senate approved it twice, and Nodler voted for it. But the House rejected it, with all but a handful of Republicans voting "no." "Representatives were voting in a way that was driven by their desire to position themselves in a state Senate race rather than their perception of the political reality of the House district they represent," Nodler said. **Rep. Chris Kelly**, D-Columbia, served in the House from 1982 to 1994. Returning to the House again this year, Kelly found the place more partisan and its members less independent. He attributes this to term limits.

'Sleeper cell' Republicans band together in Missouri Senate

Columbia Missourian, Sarah D. Wire

Although not well known, this group of six conservative state senators became one of the strongest forces in the closing days of the legislative session. In the Jefferson City political world, some former and current lawmakers have given this group of conservative lawmakers its name. They say these senators lurk in the background and pop up only to defeat certain legislation. Although not an official organization, these six state lawmakers found their voice this session, and said now is not the time to add to state government. The group is composed of Sens. Brad Lager, R-Maryville, Luann Ridgeway, R-Smithville, Jason Crowell, R-Cape Girardeau, Jim Lembke, R-St. Louis County, Chuck Purgason, R-Caulfield, and Matt Bartle, R-Jackson County.

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First-year lawmakers appraise their roles

Columbia Daily Tribune, Terry Ganey

Freshman status bound three Columbia lawmakers together this legislative session, but party affiliation defined how they were treated and what they could do. For Kurt Schaefer, a Republican in the Senate, being a member of the majority meant he became an immediate player, with appointments to influential positions and a place at the table where decisions were made. When Schaefer stood on the Senate floor, he was recognized to speak; he could draft amendments and pass bills. For Democrats **Mary Still** and **Stephen Webber**, who were serving as minority members in the House, their pecking-order status put them much further from power. Relegated to a warren of tiny offices on the Capitol's first floor, their roles in the business of making law were confined to trying to slip amendments onto bills in committee.

Lampe legislation a 'counter to hate'

Springfield News-Leader, Chad Livengood

Lawmakers renamed a section of highway in Springfield that a neo-Nazi group adopted to keep litter-free after a Jewish civil rights leader. **Rep. Sara Lampe**, D-Springfield, got an amendment added to a transportation bill to rename a portion of West Bypass from Farm Road 142 to West Sunshine the "Rabbi Abraham Joshua Heschel Memorial Highway." Heschel marched with Martin Luther King Jr. at the Selma, Ala., Civil Rights march in 1965. "It's a counter to hate," Lampe said.

Schoeller's energy loan efforts fail

Springfield News-Leader, Chad Livengood

Rep. Shane Schoeller's efforts to create a state-run low-interest loan program for businesses that create energy using biomass came up short in the final hours of the legislative session.

He had gotten the provision added to a large environmental bill that a St. Louis senator opposed Friday in the Senate. The Willard Republican said he was disappointed by the last-minute roadblock, but not discouraged. Schoeller, who is campaigning to be speaker pro tem in 2011, said lawmakers were right in not going on a spending spree with the state's \$2.2 billion in federal economic recovery dollars. The Republican-controlled legislature did appropriate about \$1.15 billion of the money for on-going expenses and one-time projects across the state, approximately \$340 million more than Democratic Gov. Jay Nixon wanted to spend in the 2010 fiscal year. But Schoeller fears lawmakers will have to make really deep budget cuts next year, despite having \$1 billion in federal stimulus money leftover to bailout the state's bottom line. Schoeller, a close ally of former Gov. Matt Blunt, said he differed with the former governor's budget approach last year when lawmakers spent freely even as the recession gathered steam. "The tough decisions should have been made (last year)," he said. "I feel like we should have curtailed spending at that time. I remember at the time thinking we may be going too far."

Viebrock opposes adding benefits

Springfield News-Leader, Chad Livengood

Rep. Jim Viebrock's office has been inundated this year with calls and e-mails from state workers seeking new health care benefits for up to five years after they retire.

As chairman of the House Retirement committee, Viebrock killed legislation this year that would have extended health insurance for the next five years to all new retirees at an estimated cost of up to \$50 million. Viebrock, R-Republic, said any new benefit could threaten to bankrupt the state's retirement system. "When you have pension funds that are 30 or 40 percent off their mark, now is not the time to increase benefits," Viebrock said. "I'm just not going to put that fund into further turmoil than it already is." He compared the proposal to the city of Springfield's police and fire pension fund, which has been hammered by benefits increases over the years, stock market losses and the city's failure to make good on its payments. For the fourth year, Viebrock's "animal rights" bill to require a veterinarian to inspect farm animals suspected of being abused before authorities can impound them went nowhere. But Viebrock worked behind the scenes to stop a bill that would have given private animal rights groups police power to seize animals suspected of being abused. "Nowhere else in the law is it allowed where a private citizen can assume the duty of a police officer," he said.

Wasson protects funeral customers

Springfield News-Leader, Chad Livengood

Funeral homes and prepaid burial companies will face greater regulation to ensure they can make good on their promises to customers under legislation **Rep. Jay Wasson** worked on. Wasson, R-Nixa, carried a Senate bill through the House session that will require pre-need funeral providers put at least 85 percent of customers' money into a trust. The state now will be able to regularly audit the trust to ensure solvency. "It probably helped save an industry," said Wasson, who represents parts of western Christian, northern Stone and southeast Lawrence counties.

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Dixon working to protect children

Springfield News-Leader, Chad Livengood

Rep. Bob Dixon said once his Child Witness Protection Act becomes law, it will become "the most comprehensive" statute ensuring children are not badgered on the witness stand. It gives judges more discretion to make accommodations for children testifying as victims or witnesses. Courts would have to make children under 17 more comfortable on the witness stand by allowing them to have a support person present during testimony and ensuring attorneys do not badger them with questions that they cannot comprehend.

Dixon, who intends to run for the 30th District state Senate seat in 2010, first introduced the legislation as the Children's Bill of Courtroom Rights three years ago. In his first year as chairman of the House transportation committee, Dixon was able to get one of the largest transportation bills passed. Early in the session, Dixon got a non-binding resolution passed urging Congress to reject the enactment of the Freedom of Choice Act, a proposed federal law that critics say would undo decades of abortion restriction laws. Dixon said Missouri's resolution was among the first sent to Congress. Along with Sen. Norma Champion, Dixon was able to secure a new family court commissioner for Greene County. But his efforts to get a new Greene County judge came up short. "But that's not a fight I'm giving up," he said.

Kelly votes signal nonpartisan tack, Some Democrats prefer solidarity

Columbia Daily Tribune, Terry Ganey

At one point during **Chris Kelly's** career comeback in the Missouri House, he referred to himself as "an anachronism." He was preparing to vote, Kelly said, in a way contrary to that of his Democratic colleagues. He said it was principle over party politics. He said he hoped Republicans would follow his lead in the future. But he also angered some members of his own party in the House, where Republicans are in control and Democrats are in the minority. Near the end of March, Kelly, 62, nearly came to blows with state **Rep. John Burnett**, D-Kansas City, during a closed meeting of the Democratic Caucus. Others who were there said Kelly and Burnett were "chest to chest" and that men had to pull them apart before something physical happened. The spark that touched off the near-fracas was that Burnett had "twittered" that four Democrats "jumped ship" and voted to cut funds for a children's health insurance program. "Chris Kelly from Columbia" was identified as one of the four. "I will vote for things based on whether I think they are good public policy or not," he said. "The one thing that I'm not satisfied with is we have way too much caucus loyalty. People make decisions way too much whether they are sponsored by members of their own party or not. That's not a valid basis for public policy." "I respect Chris Kelly and the fact that he's been here before and he has a historical knowledge of the place," said **Rep. Trent Skaggs**, D-Kansas City, whose father served in the General Assembly with Kelly. "But it's a different legislative environment than when he was here." "He thinks he's going to get something out of these guys, and he's not," Skaggs said. "We know they don't negotiate in good faith." Skaggs said the minority in the House has to "stick together and have a clear and distinct message. When individuals peel off for their own gain, it's hard to send that message." Asked about the reaction of some to Kelly, **Rep. Mary Still**, D-Columbia, said, "Maybe they don't understand his eccentric charms as we do in Columbia."

State **Rep. Steve Hobbs**, R-Mexico, said that when Kelly defeated Rep. Ed Robb, R-Columbia, in the general election in the fall, Kelly had knocked off a friend whom Hobbs had worked with. But Hobbs said when he got to know Kelly, he liked him. "Then we started working together, and when we team up, we get things done," Hobbs said. "I think a great friendship has grown out of that." Senate Appropriations Committee Chairman Gary Nodler, R-Joplin, said Kelly "appears to me to be able to look beyond partisanship, and I think he understood the math." As for his encore legislative experience, Kelly said he was "pleased with getting to know my new colleagues on both sides of the aisle, with the working relationship and the bottom-line product for Boone County."

May 19, 2009

Urban League ready to account for millions in stimulus funds

KMOX, Megan Lynch

The Urban League of St. Louis says it's more than glad to be held accountable for millions of dollars in federal stimulus funds. The organization has been allotted \$15 million in two installments to help some 2,000 low-income residents weatherize their homes.

State Supreme Court hears school funding challenge

Missouri Net, Brent Martin

A lawsuit claiming the state school funding formula violates the Missouri constitution is before the State Supreme Court. Two challenges are being mounted to the school funding formula: that state lawmakers used incorrect property assessments in devising the latest formula and that the state isn't spending nearly enough on public education.

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Mo. high court hears school funding challenge

KMOX, David Lieb

After more than five years and \$6 million of legal expenses, a lawsuit claiming Missouri is shortchanging its schools finally made it to the state Supreme Court on Monday. Attorneys representing fewer than half of Missouri's 523 school districts argued that the state fails to provide enough money to schools and fails to distribute it fairly, at least partly because of a flawed local property tax system.

Missouri high court hears arguments on formula for state funding of schools

KC Star, Jason Noble

The Missouri Supreme Court on Monday heard arguments in a long-running lawsuit that contends the formula for calculating state funding for schools is inadequate. Arguments by a coalition of school districts from across the state were rejected by a Cole County judge in 2007, setting up an appeal to the state's highest court. The school districts hope to win a ruling similar to those handed down elsewhere — including Kansas — in recent years, in which courts have ordered states to rewrite their formulas and direct more money to education. The Missouri Constitution requires at least 25 percent of state revenues go toward primary and secondary education. When allocating funds, lawmakers provide more state aid to poorer districts and less to affluent districts. One group bringing the suit — the Committee for Educational Equality — argued that lawmakers can fund education at more than 25 percent and still violate a constitutional mandate to provide for "a general diffusion of knowledge and intelligence." Lawyers for the state countered that the 25 percent minimum was the only funding requirement in the Constitution and that the districts had no standing to sue. A second group, the Coalition to Fund Excellent Schools, contended lawmakers erred in writing the most recent school funding formula in 2005 by not equalizing property tax assessments across the state when calculating each district's "local effort." The amount of local funding for districts is the basis for awards from the state. The state claimed the coalition's arguments proved neither that assessment levels were improper nor that they negatively affected districts' state funding. Further, state lawyers said, the group failed to sue the proper entity.

May 20, 2009

State benefits bill no good, Labor officials say

Springfield News-Leader, David A. Lieb

Missouri's attempt to draw down \$133 million in federal stimulus money for unemployment benefits may not pass muster with the federal government. On their final day in session, Missouri lawmakers Friday passed a bill expanding eligibility for jobless benefits in an attempt to qualify for enhanced federal funding. Gov. Jay Nixon praised the bill as one of the session's successes. But Tuesday, the U.S. Department of Labor told The Associated Press that Missouri would not qualify for the money because Missouri's legislation automatically would halt the expanded benefits after spending the federal money.

May 21, 2009

Missouri lawmakers head to Atlanta, on biotech lobbyists' dime

St. Louis Post-Dispatch, Tony Messenger

A few days after the 2009 legislative session ended, 14 Missouri lawmakers — several of them from St. Louis — continued their education. They got on planes at various Missouri airports. They flew to Atlanta and checked into hotels. They attended receptions in honor of the life sciences industry and walked a convention hall packed with businesses looking for a few good tax credits. The entire trip was paid for by lobbyists and corporations. This is the legislative process at work in the Show Me state. "It's very meaningful," said Gillespie. His group, which is funded by such life sciences giants as Monsanto, Pfizer and the Stowers Institute, paid the expenses for 14 lawmakers to attend the international BIO conference in Atlanta this week. Sen. Rita Days of St. Louis was there. So were representatives **Chris Carter, Steve Webb, Ted Hoskins, Sharon Pace** and **Jamilah Nasheed**. Missouri has the second largest state contingent at the BIO conference in the nation, Gillespie says. And it includes several representatives of the executive branch as well, from Gov. Jay Nixon to two of his Cabinet members, Linda Martinez and Jon Hagler, and several staff members. Nixon and his staff members used state funds for their travel. Democrat **Mike Talbot** and Republican **Ryan Silvey** went last year and this year. The two are founding members of a life-sciences caucus in the General Assembly.

For Silvey, who is the only Republican on this trip, he said he'd rather spend corporate money on a trip like this than taxpayers' funds. "I don't know how you learn about this stuff if you don't go see it," Silvey said. "I would prefer not to have the taxpayers pay for it. The idea that we're on some kind of junket where we're golfing and sitting on the beach isn't true."

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House sponsor says he didn't mind Senate debate on jobs bill

Missouri Net, Brent Martin

A dispute about the effectiveness of tax credits held up the jobs bill this legislative session, until the final day of the session. The House sponsor says he really didn't mind the session-long debate in the Senate, really. **Rep. Tim Flook** (R-Liberty) swears he didn't. Flook says it's wise to spend time discussing the proper role of tax credits. "And reviewing our incentives to make sure we're not going to be engaged in corporate welfare and that's very important," Flook said. "What you've seen in other states, with their budget problems, there are a lot of reasons that led to the budget problems that they have and we don't. But one of them is where they don't police their programs well enough to ensure that they're not really engaging in just the subsidy of an industry and really getting a true investment and return." Flook says the jobs bill is a good combination of job training to help the unemployed find other work and business incentives to lure jobs to the state. He says it should help many pending big projects. Flook projects the bill will create 2,000 or more jobs.

Mo. tapping stimulus money to pay tax refunds

KMOX, David A. Lieb

Missouri is using \$250 million of federal economic stimulus money to speed up the payment of hundreds of thousands of individual income tax refunds that otherwise could have been delayed until summer. Gov. Jay Nixon's administration said Thursday that the move was necessary because income and sales tax revenues have fallen even further behind their already negative projections. Some Missourians have been waiting since mid- to late March to receive their tax refunds. Cash flow problems could have forced the state to delay refunds until the new fiscal year starts in July, said Nixon's budget director, Linda Luebbering. By using federal stimulus money, the Department of Revenue hopes to send out refund checks by June 5 for people who had filed their returns before April 15. Those who filed on or after the tax due date, or had errors on their returns, might still have to wait longer for their refunds.

May 23, 2009

Kraske's column: Term limits, Funk & Blunt

KC Star, Steve Kraske

Few Missourians have a perspective on term limits quite like state **Rep. Chris Kelly**. His conclusion: Keep term limits for now, but loosen them. Allow senators to serve three, four-year terms instead of the two now permitted. And allow House members to serve six, two-year terms instead of the four allowed now. Let lawmakers serve 12 years in each chamber. The problem with term limits is their unintended consequences, Kelly said. Yes, term limits ended the era of 20- and 30-year legislative veterans. Another change Kelly noticed is the more frequent Democratic and Republican caucus meetings to plot strategy. These days when party members gather for their respective meetings, pitches are made for the party's position on bills coming to a vote. Kelly described those pitches as "raw political meat" aimed at boosting one party over the other. That only boosts the level of partisanship to levels far greater than anything Kelly witnessed during his first House stint.

May 24, 2009

State legislator calls effort of general assembly poor

The Examiner, Adrienne DeWeese

Together, **Gary Dusenberg** and **Tom McDonald** presented a wrap-up legislative briefing Friday morning at the Independence Chamber of Commerce offices. Though he supports an allocation of \$500,000 for historic Jackson County Courthouse renovations, Dusenberg said he voted against House Bill 22, which appropriated money for capital improvement projects, grants, refunds and distributions. Dusenberg's opposition came with \$343 million in stabilization funds that he believed could be used more effectively.

"Sometimes you find yourself in that predicament in Jefferson City that you get a bill in front of you that has a lot of good things that you want to see pass, and there's a lot of bad things," he said. "With the stabilization money, it's great that it's coming. But the problem is, when you have one-time money and you develop programs that have to be financed two or three years from now, the money won't be there. Then, the taxpayers have to come up with it."

After his first year in Jefferson City, Democratic representative Tom McDonald joked that he would have better explained the political process before he attended the session than afterward. With 1,800 bills heard in committee this session, only 165 passed, which McDonald called "a poor performance." McDonald, who represents the 49th District representing parts of Independence, Raytown and Kansas City,

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also spoke against the amount of “frivolous legislation” that was heard this session, including the right to own slot machines newer than 1983, tax breaks for sky-diving schools, allowing residents to mine gravel from a stream on their private property and others. Despite the rough patches, McDonald has no regrets. “I’m glad I did it. I’m anxious to go back next year,” he said. “If you have never seen inside that process, you won’t believe it.”

May 25, 2009

NIXON’S WEEK 19 GRADE: C +

KY3 Political Notebook, David Catanese

As Governor Nixon readied his pen to determine which bills to sign and which to veto, last week the former Attorney General had to decide an issue of life or death. Nixon’s rejection of a petition for clemency in the state’s first execution in four years shows that on crime and punishment, this Governor is just as “throw the book” as any Republican. Is that a leading indicator for his ultimate decision on a motorcycle helmet repeal? Or did he really promise advocates for a repeal that he’d side with them? Seems odd that a law & order guy like Nixon would defy safety and law enforcement who plead that a repeal would endanger lives. But the issue has the potential of becoming a bit of lightning rod, no matter what Nixon ultimately decides. Nixon hasn’t made any of his major calls yet, but he will soon enough. And you can be sure that any spending vetoes he makes will be scrutinized by a watchful GOP, looking for any place to point out political favorites. Finally, there’s some light grumbling on the left about Nixon’s commitment to healthcare and the fact that his chief economic initiative could’ve been crafted by Matt Blunt. By right now, that’s no political problem. For the left in Missouri have few places to turn.

Numerous legislative measures fall short

St. Joseph News-Press, Alyson E. Raletz

The Legislature closed with a balanced budget and a plan to revamp the economy, but it cut short strings on higher education and hazardous fertilizer that still dangled when the gavel fell last week. “I’m happier about the stuff we didn’t pass,” **Rep. Ed Wildberger**, D-St. Joseph, said, referring to the latter two proposals when asked of the Legislature’s high points in 2009. Inaction kills more legislation than public opposition or failing votes. Such was the case for **Rep. Martin Rucker’s** attempt at adding more state scrutiny and testing to agricultural materials that end up as fertilizer on Missouri farms. Two contentious items from **Rep. Dr. Rob Schaaf**, a St. Joseph Republican, received the thumbs-up in committees, but never made it to the House floor for debate.

Analysis: Nixon presses for more health education

St. Louis Post-Dispatch, David A. Lieb

The money legally is theirs to spend as they choose. But Gov. Jay Nixon is delivering a message to Missouri’s colleges and universities that he expects them to use \$40 million in next year’s budget to expand the number of classroom slots available for health care professionals. While many universities are pledging to implement the health care plan, some schools have said they instead may spend the extra state money to fix buildings or plug budget holes. At issue is what Nixon dubs “Caring for Missourians” and what his predecessor, Gov. Matt Blunt, called “Preparing to Care.” As proposed, each public university and community college would get a share of the \$40 million to hire instructors and purchase equipment needed to increase the numbers of students they can accommodate in high-demand health care fields.