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FINAL 2020 LEGISLATIVE REPORT

City of Independence

The Second Regular Session of the 100th Missouri General Assembly adjourned on Friday, May 15th at 6:00 p.m. This legislative session began with lofty goals for the Republican super majority on priorities such as repealing the voter-approved changes to legislative redistricting, decreasing gun violence, creating revenue for repairs to roads and bridges, tort reform, college athletes ability to profit, allowing only U.S. citizens to vote, regulating video lottery machines, and expanding charter schools. Then the Coronavirus hit Missouri and changed everything.

The House and Senate both took extended recesses (six weeks) to navigate the unprecedented situation and determine a path to reconvene and complete the legislative session. With three weeks remaining in the legislative session, the Missouri General Assembly returned to Jefferson City. At first, the plan was to simply approve a balanced state operating budget by the constitutional deadline (May 8th) and pass a few COVID-19 related pieces of legislation. That plan changed and legislators realized they might as well pick up where they left off since they were already in the Capitol. At this point the House began creating several hundred-page omnibus bills dealing with various subject matters and sending them out to the House floor for consideration.

It is not unusual to see omnibus bills being created at the end of session. Lawmakers want to see their special projects and or local needs addressed and will push them across the finish line any way they can. The unusual twist in this process was that in creating omnibus bills with such a diverse variety of topics, it left lawmakers unsure of how they should vote on a bill with multiple subjects included. Additionally, this process created a near impossible environment for the public to understand or know what is included in these omnibus bills. Capitol observers have dubbed these types of bills, Christmas trees. They are loaded up with ornaments even if the ornaments (legislation) may be unrelated.

The chaos surrounding the creation of omnibus bills happened while the public and governmental consultants were encouraged to participate online and by telecommunications. This made for a very unusual ending to this session.

General Session Information

There were 2,173 pieces of legislation filed during the 2020 legislative session with 50 bills making it all the way through the process to final passage. This includes 18 appropriation bills. Of the bills that were Truly Agreed to and Finally Passed (TAFP), several are considered “consent” bills, which means they are generally noncontroversial and carry no fiscal impact to the state.

The Governor has until July 14, 2020 to either sign or veto bills passed during the legislative session. All legislation passed by the General Assembly, if signed into law by the Governor, will become effective on August 28, 2020 unless the legislation provided for a specific effective date or contained an emergency clause. If the Governor takes no action, the bill becomes law.

Bills Truly Agreed to and Finally Passed (TAFP):

In an effort to provide you with direct access to the summary of all bills passed this legislative session, the link below will provide you with summaries and full text copies of every bill that was Truly Agreed to and Finally Passed during the 2020 Missouri legislative session including any House or Senate bill you see referenced in this report: [TAFP 2020](#)

Major Topics that Passed

- Tort Reform (SB 591) – Restricts the possibilities of plaintiffs receiving punitive damages in civil lawsuits and limits the use of the Missouri Merchandising Practices Act (MMPA).
- Cleaner Missouri (SJR 38) – A Republican backed Constitutional amendment that is a response to the more Democratic leaning CLEAN Missouri that was passed by a vote of the people in 2018. The measure addresses the topic of re-districting of Congressional and state legislative districts every 10 years.
- Communications (HB 1768) – Dealing with broadband expansion, telecommunications companies, and neighborhood improvement districts.
- Professional Licensing Reciprocity (HB 1511)
- COVID-19 Testing Expenses (HB 1682) – Use federal funds to pay for COVID-19 testing expenses not covered by a Missouri residents health insurance.
- Longer Sentences for Gun Crimes (SB 600) – Eliminates probation or parole for repeat felons and anyone using a weapon in a “dangerous felony” and includes creating the offense of vehicle hijacking.
- Mail in Voting Allowed (SB 631) – Only for this year’s elections due to COVID-19.
- Vaping in Schools (HB 1682) – Bans vaping on public school property and buses.

Major Topics that Failed to Pass

- PDMP (HB 1693) – Missouri remains the only state in the union to not have a prescription drug monitoring program.
- Wayfair (HB 1700) – Legislature unable to come to an agreement on how to disburse sales taxes collected on internet purchases.

- College Athletes (HB 1564, HB 1792) – Would allow college athlete to financially benefit from the use of their names and images.
- Charter School Expansion and Funding (SB 603, SB 649) – Would expand Charter schools in Missouri.
- VLTs/Sports Book Gaming (HB 2088, SB 566) – Establishes the Missouri Video Lottery Control Act.
- Biodiesel Mandate in Fuel (SB 618)
- Guns in Schools (HB 1961) – Would require school districts to use volunteers as school protection officers and require them to carry concealed firearms.
- Missouri Non-discrimination Act (MONA) (HB 1527) – Would prohibit the discrimination in Missouri based on sexual orientation and gender identity.
- St. Louis Police Residency (HB 1604) – Would remove the requirement that the police office live in the city of St. Louis.
- Testing for Medical Marijuana (SB 610) – Would have allowed employers to test employees for medical marijuana.
- Criminal Offenses (HB 1450) – A number of criminal offense reform provisions included pretrial witness protection and juvenile certification.

Fiscal Year 2021 State Budget

The Missouri State Operating Budget for Fiscal Year 2021 is a spending package of nearly \$35 billion dollars for programs and services that will begin on July 1. The package includes a considerable amount of COVID-19 federal aid for a variety of state departments. Many budget leaders worry that it may not be enough to keep the state operating because the state revenue collections have been steadily declining since the inception of the pandemic.

Missouri's colleges and universities received the bulk of the first round of Governor Parsons' withholds and were set to receive one of the largest cuts under the initial budget plan. In the final version, community colleges funding was maintained while federal dollars were used to fill that gap for the 4-year universities. Public K-12 schools were spared any cuts with the education foundation formula being fully funded.

Major additions to the budget included \$30 million of federal grant funding for small businesses struggling during the economic shutdown and \$20 million of federal grant funding for meat processing facilities. However, General Revenue spending for new programs or services was cut from the budget, leaving state agencies up against more than \$150 million in budget cuts.

Governor Parson has the authority to line item veto any funding line item or language within the various budget bills, restrict or withhold funding due to low revenue figures, and or approve funding line items with or without his signature by July 1st.

If you would like to review the various budget bills that are pending approval by Governor Parson at this time, you may go to the following link:

<https://house.mo.gov/budget.aspx>

Election Year

The Missouri Primary (August 4) and General Elections (November 3) remain scheduled to occur later this year. All 163 seats in the House of Representatives are up for election, and one-half of the seats in the Missouri Senate are up for election. The statewide candidates currently competing for positions are outlined below. You can look-up your local candidates for Representative or Senator by going to:

<https://s1.sos.mo.gov/CandidatesOnWeb/>

Governor

- Mike Parson (R – Incumbent)
- Nicole Galloway (D – current State Auditor)

Lieutenant Governor

- Mike Kehoe (R – Incumbent)
- Gregory Upchurch (D)

State Treasurer

- Scott Fitzpatrick (R – Incumbent)
- Vicki Englund (D – former State Representative)

Attorney General

- Eric Schmitt (R – Incumbent)
- Elad Gross (D)

Secretary of State

- Jay Ashcroft (R – Incumbent)
- Yinka Faleti (D)

Legislative Activity of Specific Interest

In what ended up being a very historic session due to the time constraints caused by the Covid pandemic, we still had a very busy year on your behalf. Legislators continue to attempt to take away local control when they disagree with local policies. John Bardgett and Associates monitored over 200 bills on the City of Independence's behalf. Under the circumstances once the legislature returned to work it was ultimately a very unproductive environment for passing anything controversial, whether good or bad. We represent your interests daily inside the capitol and work closely with your local House delegation, Senator Rizzo, Committee Chairs, and House/Senate Leadership to achieve your desired outcome.

Fortunately, due to Sen. Rizzo's leadership he was able to secure another \$1 million for the Truman Library. Independence continued to oppose changes to the existing cable franchise tax laws that SB 526 sought, this legislation was ultimately defeated even after it was connected to the Wayfair/Internet Sales Tax issue. There were numerous bills which on your behalf we worked hard to defeat that were turned into omnibus bills that contained measures that would have negatively impacted political subdivisions and municipalities.

Wayfair

This issue once again received lengthy debate on the Senate floor, including many hours during the last week of session. It was not however brought to a vote as conservative legislators continued to block its passage without a corresponding income tax cut. There were some very good negotiations that happened behind closed doors between Senators that will likely make this issue a top priority next session.

Failure to Appear

Unfortunately, this issue did not have the opportunity to go through the proper vetting process before the legislature took its COVID related break and the hearing on it had to be postponed. Had it received a hearing; it would have been more likely to be accepted as an amendment onto an omnibus bill. The bill sponsor was not comfortable pushing this measure under the circumstances. There will be a great opportunity next session as some of the legislators with the most opposition to fixing this law are termed out of office.

Court Automation Fee

As mentioned in previous reports we have diligently worked to make sure the City of Independence is exempt from this legislation to protect its \$250,000 investment in its own court system. SB 950 never made it out of the committee process as a bill, but it was distributed as an amendment on a bill dealing with political subdivisions. We worked with Sen. Rizzo to be prepared to exempt Independence from the bill.

Prescription Drug Monitoring Program

Many observers believed the bill would pass this session and was one vote away from passage. There were numerous games played behind the scenes which prevented the bill from passing and was ultimately blocked in the Senate from final passage for unrelated reasons that often take place in our political process. Missouri is the only state remaining which doesn't have a statewide program in place.

Heath Board Governance

An amendment was added to SB 617 in the final weeks of session which would have taken away control of local health boards and also contained numerous other provisions taking away any authority for a health board to actually protect the public. Working with other advocates across the state which also opposed this legislation, it was successfully stopped.

Film Tax Credit

HB 1767 – sponsored by Rep. Swan (R – Cape Girardeau) was not able to have a hearing due to Covid. When the legislature returned to work it had to cut hundreds of millions of dollars from the budget and legislators wanted to focus on other priorities. While this bill did not receive much attention this year, generating revenue will be a top priority next year and it will be in the discussion.

Dog Breed Ban Prohibition and Working Animals

We were successful in stopping legislation which would have prevented municipalities from regulating the types of dogs it could prohibit. We were also able to prevent legislation from passing which takes away a municipalities ability to implement its own regulations on working animals such as horse drawn carriage rides. These ideas continue to be pushed year after year and have been able to thwart those efforts to date.

TIF Reform

There was a major effort this year to “reform” how tax increment financing is used and the definitions that accommodate that process. SB 570 – sponsored by Sen. Koenig passed the Senate and was one vote away from passing the House. We were able to work with key legislators to keep it from coming up for a final vote.

Home Based Businesses

The House of Representatives attempted to amend a local government bill with language that would have taken away a municipalities ability to regulate home businesses. This would obviously be very problematic to deal with on a variety of levels, from public safety, business fees, and infrastructure to name a few. This amendment was added to a bill, but the underlying bill was never advanced because of controversial items such as this being added to it.

Legislation of Interest which Passed

The legislature passed HB 1854 which was an omnibus political subdivision bill that unfortunately contained the Missouri Local Government Expenditure Database. This legislation was a priority of House Leadership and sponsored by Speaker Pro Tem John Wiemann (R – O’Fallon). This has been a priority of Rep. Wiemann for many years and had gone through numerous changes to make it more palatable to municipalities. Most larger cities no longer opposed the legislation as many already provide this information to the public. HB 1854 also contained numerous changes to certain taxing districts such as CID’s and TDD’s, ballot language relating to local use taxes (Wayfair related) and records of municipally owned utilities which should be reviewed by staff.

Below is a list of bills which were Truly Agreed to and Finally Passed that might be of interest to your organization. We encourage you to review them:

- HB 1467
- HB 1768
- SB 676

If there are any pieces of legislation you would like more information on or like to discuss in further detail, please let us know as we are happy to accommodate.

Upcoming Dates of Interest

Listed below are several key dates which may be of interest:

- July 1 First Day of the State’s new fiscal year (FY 2021)
- July 14 Last day for Governor to sign or veto legislation
- August 4 Primary Election

- August 28 effective Legislation enacted during the legislative session becomes effective unless the legislation carried a specific date or emergency clause
- September 16 Annual Veto Session in Jefferson City
- November 3 General Election
- December 1 First day to pre-file legislation for the 2021 legislative session
- January 6, 2021 First day of the 2021 legislative session

Governmental Affairs Communication

Let us take this opportunity to thank you for allowing us to represent your interests before the Missouri General Assembly in 2020. Our goal is to keep you informed of all state legislative happenings in a very timely fashion. We hope we have done this to your satisfaction. We would appreciate any thoughts you might have as to how we can better serve you, our client, in the ever-changing world of information transmission. Please feel free to give us a call if we can answer any questions or provide any additional information. As always, if anything arises during the interim of interest to your legislative priorities, we will update you accordingly.

We hope you and your families stay safe through this pandemic and have a great summer. Again, from your team in Jefferson City we say thank-you for allowing us to serve you