

# Legislative Bulletin



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## SESSION UPDATE

Since the opening of the 2015 Session, the 2016 Session begins with new leadership in both the Senate and House of Representatives. Senator Ron Richard (R-Joplin) is the new Senate President Pro Tem, and Representative Todd Richardson (R-Poplar Bluff) is the new Speaker of the House of Representatives. Both leaders are friends to the trucking industry.

The 2nd Regular Session of the 98<sup>th</sup> General Assembly began on Wednesday, January 6, with both leaders announcing their priorities for the year: ethics reform, transportation funding and examining labor issues. Right to work is not a priority in the Senate, unless the House can produce enough votes to sustain an override of Gov. Jay Nixon. Both leaders have expressed an interest in improving the working relationship between the chambers, and will focus on issues they agree on and work to pass those.

### **Transportation Funding**

2016 will see a big push to solve Missouri's transportation funding crisis. There are many competing proposals and ideas about how to fix the pending crisis. Gov. Jay Nixon has announced he would support a [1.5c increase to the gas tax](#). Speaker Todd Richardson said, "We're going to be focused in the House on finding some ways to improve the transportation system and the amount of money we're spending on transportation through the budget – and trying to find some ways that we can prioritize that spending as we have revenue growth." In regard to improvements on I-70, Speaker Richardson said "MoDOT estimates that the cost of rebuilding I-70 will be somewhere between \$2 and \$4 billion."

[SB 623](#) was heard in the Senate Transportation, Infrastructure and Public Safety Committee on Wednesday, January 13, and voted Do Pass the next week. The bill is the Senate's attempt at fixing the transportation funding crisis occurring in the state. Over 15 groups testified in support of the effort, but some had reservations and wanted tweaks to the bill. Sponsor Sen. Doug Libla said "This is a problem that has occurred over the last 20 years because we have had our head in the sand." Libla continued by saying, "For 92 years, this is how we've determined how we fund our roads and bridges. Detractors never have a plan. This is a plan . . . It's not a new tax, it's an adjustment."

### **REAL ID Act**

The House Emerging Issues committee also heard from the Department of Revenue regarding [the Real ID Act](#), a major issue facing the legislature this year. In 2009 the General Assembly passed a law barring the Dept. of Revenue from working with the Federal government on their newly created real ID requirements, and because of Missouri's non-compliance, MO state ID's were recently rejected as allowable forms of ID for entrance to Federal buildings, with the possibility of MO ID's being unusable for air travel on the horizon. As session moves forward, this issue will increase in importance, with several bills filed to address the issue.

### **Ethics Legislation Moving Forward**

Though the House was able to move key ethics legislation, Democrats were not pleased with the process and the narrow scope of topics presented. Rep. Stephen Webber of Columbia said, "This body will not get a choice today on whether this bill should apply to us immediately, or if this cooling-off period should be three year." Webber continued, "This is a disappointingly small step." Rep. Caleb Rowden said the following regarding legislation he sponsored, "This is not a perfect bill, this is not a silver bullet, but what it is, is a step in the right direction to tell our constituents that we have heard their voices."

Below are links to the ethics bills passed already by the House:

[HB 1979](#) - Imposes a one session rule for lobbying by former members of the General Assembly, by former statewide elected officials, and by former holders of an office that required Senate confirmation.

[HB 1983](#) - Specifies that no statewide elected official or member of the General Assembly shall serve as a paid political consultant.

[HB 1452](#) - Changes the filing deadline for personal financial disclosure reports from May 10 annually to January 15 and July 15 biannually.

[HB 1575](#) - Requires officials to timely disclose lodging and travel expenses incurred by the official, the official's spouse, the official's family that are paid by a third person for expenses.

### **State of the State**

On Wednesday, January 20, 2016 Gov. Jay Nixon gave his final [State of the State address](#). The address focused heavily on accomplishments during his tenure. Gov. Nixon recapped the five goals he laid out in his first State of the State address. Those were creating jobs, balancing budgets without tax increases, improving access to colleges, better healthcare for Missourians and ethics reform. According to Gov. Nixon, of the five goals, only ethics reform has not been accomplished. He pushed the legislature to pass a transportation funding bill, stating, "Senator Libla, I appreciate your leadership in this area. I'm looking for your bill to move into the passing lane and get to my desk this year. Let's work together to move transportation forward in Missouri." Another area Gov. Nixon pushed the legislature to action was ethics reform. "The fifth goal I set when I took office was ethics reform. Missouri's ethics laws are a disgrace – the weakest in the nation. The people of Missouri are nobody's fools. They understand that a donor who writes you a fat check expects something in return. They know that if a lobbyist showers you with gifts, or takes you to the country club for cocktails and the surf-and-turf, he's going to lean on you before dessert. They know it's wrong for legislators to launder campaign contributions by paying each other for political advice. Missouri has got to clean up its act."

### **Expert Witness Reform**

[SB 591 - Modifies provision relating to expert witnesses.](#)

The first bill to hit the Senate floor this session was SB 591. Candidate for Lt Gov., Sen. Mike Parson, is the bill's sponsor. "I filed this legislation so we could establish some good ground rules for evaluating whether a person providing 'expert' testimony is truly an expert," said Parson. "The bill would use the same standard used in federal courts and all but eight other states and should reduce 'junk science' used by so-called 'experts' in lawsuits involving farmers, small businesses and in criminal cases." Supporters of the bill include the National Federation of Independent Business, the Missouri Organization of Defense Lawyers, Missouri Prosecuting Attorneys Association, Missouri Petroleum Council, MSCPA, Missouri Retailers Association and the Missouri Trucking Association. The bill is opposed by trial attorneys, judges and labor organizations. Last year Senate Democrats filibustered the bill and it did not pass. This year's version has had a few changes; most namely it no longer deals with family courts or child protection orders. The Senate spent roughly four hours on the legislation before they were able to pass it by a margin of 19 y -12 n.

### **Workers Compensation**

[HB 1756 - Established the Employee Reclassification Act](#)

House Bill 1756, sponsored by Rep. Kurt Bahr (R-St. Charles) was heard Wednesday, January 20 in the House Employment Security Committee. The bill establishes the Employee Reclassification Act, of which a summary is provided below. Testifying in support of the bill was attorney and lobbyist Rodney Boyd, from Denton's LLP. Mr. Boyd stated his firm represented a client who had been subject to a mis-classification by the state of Missouri. The client had been classified as an employee by the state, but the client maintained they were actually an independent contractor.

Several groups lined up in opposition to the bill, including the AFL-CIO, Missouri Association of Trial Attorneys and the IBEW.

HB 1756 was Voted Do Pass on February 3 by a vote of 8-1 and was referred to the Select Committee on Labor and Industrial Relations.

Summary of HB 1756: This bill specifies that for a taxpayer undergoing an audit by the Department of Labor and Industrial Relations regarding classification of an individual as an independent contractor or employee, if the taxpayer has been granted relief from the imposition of federal employment taxes under Section 530 of the federal Revenue Act of 1978, as amended, for an individual, with the result that the taxpayer can continue to classify the individual as an independent contractor for purposes of federal employment taxes, the department must allow the taxpayer to classify the individual as an independent contractor for purposes of Missouri employment taxes. These provisions terminate the employer's liability for the Missouri employment taxes but must have no effect on the worker whose status is at issue.

### **Total Bills Filed**

1,713 total bills filed this session – MoTA is tracking 242 of those bills so far.