



Missouri Society of Professional Engineers

Weekly Legislative Report March 12, 2018

WEEKLY OVERVIEW

With only one week left before the legislature's spring break, the pace of passing bills picked up noticeably this week. Both the House and Senate passed dozens of bills sending them to the opposite chamber.

The Special House Committee investigating Governor Eric Greitens conducted two meetings last week. The second and more substantive meeting was held at the Jefferson City Police headquarters where doors and windows were covered to protect the privacy of the proceedings. The General Assembly will be on spring break the week of March 19th and will reconvene on March 26th. There will be no report for that week.

IN THE NEWS

- Last week the Missouri House Speaker Pro Tem Elijah Haahr outlined his major tax reform legislation during a two-hour hearing before the House Ways and Means committee. Haahr's 429-page bill would put Missouri in line with some other states by indexing vehicle user fees to the cost of inflation. "This single change would generate approximately \$175 million (in) additional money to the state's road fund. Over a ten-year period if we continue to index them it will generate approximately \$2 billion for the state's road fund. It would also provide in its first year alone almost \$60 million in additional money to counties and localities for their local budgets," Haahr testified. Haahr's bill would also reduce Missouri's highest personal income tax rate from 5.9 to five percent. It also reduces Missouri's corporate income tax from 6.25 to five percent.
- The Missouri Highways and Transportation Commission rotated the leadership positions of the members on Wednesday at the monthly meeting. Gregg C. Smith is the new chair and Michael B. Pace is now the vice-chair.
- Governor Eric Greitens and key budget leaders in the General Assembly are on a collision course relating to \$80 million in newly found general revenue monies. The money was set aside last year to fund the Children's Health Insurance Program (CHIP) in the event the program was not refunded by the federal government. In early January, the feds did fund the program. Governor Greitens has announced his intention to spend the money on a "Rural Growth Plan" that would provide broadband in rural areas of the state. Senate Appropriations Chairman Dan Brown said that he would go "toe-to-toe" with the Governor to spend the money on funding higher education. House Budget Chairman Scott Fitzpatrick has taken a different position saying that his recommendation would fund \$38 million of the Governor's recommended \$92 million cut to higher education, but only if all of the higher education institutions agree to a freeze on tuition.
- The Senate Local Government and Elections Committee last week conducted hearings on three bills relating to the Office of the Lieutenant Governor. Two of the bills (one statutory and one constitutional) would let the voters decide whether to elect the Governor and Lt. Governor jointly as a team. The other bill ([SB 1038](#)) would require the Governor to issue a writ of election to fill a vacancy in the Office of Lt. Governor within 30 days of the vacancy at the next general election provided the vacancy occurs at least 120 days before the mid-term general election. It is no coincidence that suddenly there is attention being paid to the issue of a vacancy in that office.

- So far since the last general election there have been 357 initiative petitions filed with the Secretary of State's Office seeking certification and the right to collect signatures. A majority of those are multiple filings on the same issue. For example, there have been 12 petitions approved for signature collection relating to sick time afforded workers; 16 petitions approved for signature collection relating to legislative reapportionment of districts; and 22 petitions approved for signature collection relating to increasing the minimum wage. Secretary Jay Ashcroft believes that the ease of filing has ballooned the process to unmanageable proportions. He is backing legislation that would charge an initial \$500 fee for filing a petition and 90 cents per signature for verification of signatures. [HB 1289](#) has been approved by two House committees and is poised to be placed on the House Bills for Perfection Calendar for floor debate.

BUDGET UPDATE

Last week, the House Committee on Budget reviewed the recommendations submitted by the five budget subcommittees. Chairman Fitzpatrick also gave an updated timeline for the House budget process. The mark-up process will begin this week. Budget Committee members have until 4pm Tuesday to submit amendments. No amendments submitted after that time will be considered until the budget bills are debated before the full House. The full House will debate the budget bills upon their return from the legislative spring break. It should be noted the chairman is attempting to restore funding to the higher education institutions but only if a deal can be reached prohibiting a raise in tuition for the next fiscal year. If a deal cannot be reached, the remaining funding will be placed into the scholarship budget lines to ensure low-income families can send their children to college.

SENATE FLOOR ACTION

UTILITY CORRIDOR: The Senate Perfected [SB 598](#), sponsored by Senator Jeanie Riddle (R-Fulton). The bill requires that the Department of Transportation utility corridor be expanded from 6 feet – 12 feet wide with locations determined by the State Highways and Transportation Commission. During floor discussion, Senator Brian Munzlinger (R-Lewis) offered an amendment requires MODOT to pay for any removal or replacement of utilities if MODOT expands their right of way. This bill was Perfected on a voice vote.

The Senate Third Read and Passed SB 598 by a vote of 31 yeas and 1 no. This bill has been reported to the House and First Read.

STEM: The Senate Third Read and Passed [SB 894](#), sponsored by Senator Doug Libla (R-Poplar Bluff) by a vote of 31 yeas and 0 no. The bill requires the Department of Elementary and Secondary Education to develop a high school graduation policy that allows a student to fulfill one unit of academic credit with a district-approved computer science course for any math, science, or practical arts unit required for high school graduation. This bill has been reported to the House and First Read.

HOUSE FLOOR ACTION

PREVAILING WAGE REPEAL: The House took up [HCS HB 1729, 1621, and 1436](#), sponsored by Rep. Jeff Justus (R-Branson). This bill repeals Missouri's prevailing wage law. Currently, contractors and subcontractors working on public works projects are required to pay employees the prevailing wage for the particular locality in which the project is being completed. This bill changes the law to require contractors and subcontractors to pay employees state or federal minimum wage, whichever is higher.

During Perfection an amendment failed to be adopted which would have prohibited discrimination based on gender and ensured equal pay for women. It is expected this bill will be Third Read and Passed this week.

WATER OR WASTEWATER SERVICES: The House Third Read and Passed with 135 ayes and 5 noes [HCS HB 1947](#), sponsored by Rep. Justin Alferman (R-Hermann). Currently, fourth class cities may only sell their interest in a municipally-owned utility when ratified by a two-thirds vote. This bill lowers the voter-approval threshold for the sale of a water or wastewater system, or a gas plant, to a majority of the city's population. If the issue is to be put before the voters, a public informational meeting must be held at least 30 days before the vote, and notice of the informational meeting must be provided by the municipality by methods most effective to notify customers at least 15 days before the meeting.

The bill has been reported to the Senate and First Read.

STEM CAREER AWARENESS: The House Third Read and Passed with 115 ayes and 28 noes [HCS HB 1623](#), sponsored by Rep. Travis Fitzwater (R-Holt Summit). By July 1, 2020, the Department of Elementary and Secondary Education (DESE) must develop a high school graduation policy that allows a student to fulfill one unit of academic credit with a district-approved computer science course for any math, science, or practical arts unit required for high school graduation. By July 1, 2019, the State Board of Education (SBE) shall convene a work group to develop and recommend academic performance standards relating to computer science. These standards shall be adopted and implemented beginning in the 2020-21 school year. In addition, the SBE shall develop a procedure by which any licensed teacher who demonstrates sufficient content knowledge of computer science shall receive a special endorsement on his or her license signifying this specialized knowledge. The bill creates the "Computer Science Education Fund" for the purpose of providing teacher professional development programs relating to computer science. The SBE shall award grants from the fund to eligible entities who have submitted an application to DESE addressing items specified in the bill. The bill also creates the "STEM Career Awareness Program" to increase STEM career awareness among students in grades six through eight. The program shall introduce students to a wide variety of STEM careers and technology through an online-based STEM curriculum. By January 1, 2019, DESE shall solicit proposals and select a provider for the online program using specified criteria or choose a third-party nonprofit entity to implement the statewide program, solicit proposals, and select a provider. The program shall be supported by the "STEM Career Awareness Program Fund" and shall be implemented beginning with 2019-20 school year.

The bill has been reported to the Senate and First Read.

COMMITTEE ACTION LAST WEEK

PROFESSIONAL REGISTRATION AND LICENSING: Senator Caleb Rowden presented [SB 988](#) to the Senate Professional Registration & Licensing Committee on March 5. Testifying in support were The Women's Foundation and Opportunities Solutions Project. This act requires licensing authorities, as defined in the act, to waive all occupational fees and fees from licensing requirements for the first year of licensure for low-income families, military families, and young workers. Additionally, licensing authorities are required to revise their existing licensing requirements to explicitly list the criminal records that would disqualify an applicant from receiving a license. The list of disqualifying criminal records shall be specific and directly related to the duties and responsibilities of the licensed occupation. Licensing authorities shall meet these listing requirements within 120 days after August 28, 2018. An individual may petition a licensing authority to determine if the individual's criminal record disqualifies the individual from obtaining a license. Sen. Rowden has been advised that changing Chapter 324 RSMo, the general provisions for occupations and professions, may not allow for it to apply to all occupations and professions. These changes may need to be made in each specific occupation and professions chapter. This would open twenty-two chapters, if he makes waivers for every licensed occupation and profession. Additionally, Senate Rowden removed language from the original bill that would prohibit political subdivisions from creating any new occupational licenses.

The committee took no action on the measure.

UNREGULATED PROFESSIONS & OCCUPATIONS: The Senate Professional Registration Committee voted [SCS SB 835](#) "do pass" on March 5. This act establishes guidelines for the future regulation of

occupations and professions in the state of Missouri. The act specifies that the state may not impose a substantial burden on an individual's pursuit of his or her occupation or profession unless there is a reasonable interest for the state to protect the general welfare. If such interest exists, the regulation adopted by the state shall be the least restrictive type of occupational regulation consistent with the public interest to be protected. The act states that all bills introduced in the General Assembly to regulate an occupation or profession shall be reviewed according to criteria set forth in the act.

Additionally, the act requires the Department of Insurance, Financial Institutions and Professional Registration to report and submit certain information to the General Assembly within two weeks of any bill being filed that proposes a new or additional regulation of an occupation or profession.

BALANCE OF STATE FUNDS: Rep. Lavender, a Democrat member of the House Budget Committee, filed [HB 2708](#). HB 2708 changes the law regarding the balance of certain state funds by changing the amount of such funds required to revert to general revenue at the end of each biennium. HB 2708 targets the Boards for Accountancy, Architects/Engineers/Land Surveyors and Landscape Architects, Dental, Embalmers and Funeral Directors, Healing Arts and Pharmacy. This bill was filed March 1 and has a Democrat sponsor. As in past sessions, we must be diligent to make certain that fees paid by engineers are protected.

TRANSPORTATION SENSOR SYSTEMS: The House Committee on Transportation conducted a public hearing on [HB 2207](#), sponsored by Rep. T.J. Berry (R-Kearney). This bill authorizes the Department of Transportation to operate, and approve construction designs for transportation sensor systems. The transportation sensor system service provider shall determine the site locations and schedule system deployments according to demand and traffic volume. The department may allow the State Highway Patrol to provide transportation sensor system services through a memorandum of understanding. The department shall minimize the number of any type of sensor placed in a road by private or public entities and develop an equitable cost-sharing model among entities desiring data from existing sensors. If an existing network can be utilized by a transportation sensor system service provider, including the use of roadside structures and power connections, without cost or liability to the state or disruption of other services, the sensors and data shall be made available and the costs shared according to the cost-sharing model. Any transportation sensor system service provider shall provide unrestricted real-time data access to their transportation sensor system and associated equipment to the state. The real-time data is considered an open record under the Sunshine law and shall be provided in the same manner and form it is provided by the sensors, whenever possible. If release of the data may present a danger or create a liability to public safety, the department may seek a court order to restrict access to the sensor data. This bill allows the department to purchase existing sensors from public or private entities for an amount not greater than the equipment purchase price plus installation costs minus any depreciation, as specified in the bill. When ownership of a sensor is transferred to the department the transferring entity shall retain access to the data, free of charge, for as long as it is utilizing the data to provide services within the state. Application to establish a transportation sensor system or provide transportation sensor system services is made to the department in the form of a request for a memorandum of understanding, signed by the entity seeking to establish the sensor system or provide transportation sensor system services. The department shall approve or deny requests within 90 days of receipt, and any denial shall state the reason or reasons for the denial.

Testifying in support was a representative from DriveWyze who stated they would not require roadside infrastructure as everything would be electronic. Testifying in opposition were representatives from Owner Operator Independent Driver Association, Missouri Trucking Association, and HELP, Inc. Opponents stated every time a truck passed the electronic scales the information would be subject to Missouri sunshine laws.

UPCOMING COMMITTEE HEARINGS

House-Special Committee/Government Oversight

TUESDAY - 03/13/18

12:00 PM or upon conclusion of morning session, HR 7

Public Hearing:

[HB 2548](#) - Taylor, Jered - Consolidates and eliminates certain boards and commissions.

House-Transportation

WEDNESDAY - 03/14/18

8:00 AM, HR 5

Public Hearing:

[HB 2594](#) - Tate, Nate - Modifies provisions of the Missouri Public-Private Partnerships Transportation Act with respect to concession agreements.

Executive Session:

[HB 2153](#) - Korman, Bart - Creates the Emergency Bridge Repair and Replacement Fund.

[HB 2268](#) - Reiboldt, Bill - Modifies certain department of transportation reporting requirements.

CALENDARS

HOUSE:

HOUSE BILLS FOR PERFECTION

[HB 2216](#) - Brattin, Rick - Prohibits political subdivisions from restricting the rights of certain property owners with regard to water resources.

SENATE:

HOUSE BILLS ON THIRD READING

[HB 1691\(S\)](#) - Miller, Rocky - Modifies the appeal procedure for decisions by the public service commission.

INFORMAL CALENDAR - SENATE BILLS FOR PERFECTION

[SB 555\(S\)](#) - Brown, Dan - Repeals the law pertaining to prevailing wage.

[SB 598\(S\)](#) - Riddle, Jeanie - Requires that the Department of Transportation utility corridor be 12 feet wide with the location determined by the State Highways and Transportation Commission.

[SB 599](#) - Schatz, Dave - Modifies the law pertaining to prevailing wage.

[SB 602\(S\)](#) - Onder, Bob - Creates new provisions relating to public sector collective bargaining.

[SB 617\(S\)](#) - Eigel, Bill - Modifies several provisions relating to taxation.

[SB 663\(S\)](#) - Schatz, Dave - Allows for an appropriation to cooperate with political subdivisions on land clearance projects related to tourism infrastructure facilities.

[SB 705](#) - Riddle, Jeanie - Allows water and sewer corporations to make an application to the Public Service Commission to approve rate schedules outside of a general rate proceeding.

[SB 730\(S\)](#) - Wallingford, Wayne - Establishes the Rate Case Modernization Act.

[SB 832\(S\)](#) - Rowden, Caleb - Modifies provisions relating to tort actions, specifically unlawful merchandising practices, products liability claims, and venue requirements.

MAJOR DATES OF INTEREST

March 2018

15 – Last Day to Place Senate Consent Bills on the Senate Calendar (Rule 45)

15 – Spring Break Begins Upon Adjournment

26 – Legislature Will Reconvene

April 2018

2 – Easter Holiday — No Session

12 – Last Day to Place House Consent Bills on the Senate Calendar (Rule 45)

May 2018

11 – Last Day for Floor Action on Appropriation Bills

18 – Last Day of Session (Article III, Section 20(a), Const.)