



WEEKLY LEGISLATIVE REPORT

This is your May 19th Weekly Legislative Report. Items included in this report:

- **Session Overview**
- **Session by the Numbers**
- **Major Issues That Passed This Session**
- **Major Issues That Failed to Pass This Session**
- **FY 2021 Budget**
- **Bills of Interest That Passed** (*Professional Licensing Reciprocity; Transportation Partnerships; Professional Registration; Peer Review for Design Professional; Special Interest*)
- **2020 Dates of Interest.**

Please go to the www.acecmo.org website to view the bills of interest we tracked this year. Please let me know if you have any questions on legislative matters.

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SESSION OVERVIEW

The Second Regular Session of the 100th General Assembly ended per the Missouri Constitution at 6:00 p.m. on Friday, May 15 and many believe it to be one of the most bizarre sessions in memory. Of course, the introduction of the COVID-19 virus wreaked havoc on a session that was already shaping up to be a free-for-all relating to legislation. The legislature reacted to news that the coronavirus had reached the capitol building by not meeting (with minor exceptions) from March 23 through April 27. As legislative leaders decided to bring their members back into session, it was originally thought that they would attempt to pass the necessary FY2021 budget bills and perhaps a few other priorities. Nothing could have been further from the truth as members of the General Assembly (and especially the House of Representatives) began changing the original titles of bills filed, putting dozens of bills together in substitute bills and attempting to debate and pass bills that in some cases numbered hundreds of pages. Only a few of those omnibus bills did end up on the Governor's desk.

The abbreviated session also took a toll on the relationship between the two chambers as leaders disagreed on priorities and engaged in leveraging of each other's bills. During the final week of session, the House passed and sent to the Senate an omnibus transportation bill that contained dozens of subjects. Hidden in some arcane provision was language that would have restricted the owners of the Grain Belt Express transmission line from using eminent domain. The Senate did not catch the back-door language until they had already passed the bill and sent it to the Governor for consideration. When

the ploy was discovered after the fact, the Senate was forced to reconsider its actions and, for the first time in memory, a bill that was duly passed by the General Assembly was reconsidered and killed. This action resulted in some distrust among the two chambers that may bleed over to future sessions.

For your reading pleasure, attached to this report are the summaries of the bills that were passed this session. You will note that some of them are lengthy measures containing a number of issues. Please feel free to contact us if you have any questions regarding this report.

SESSION BY THE NUMBERS

Senate Bills and Senate Joint Resolutions

- Introduced: 601
- Truly Agreed To and Finally Passed: 15

House Bills and House Joint Resolutions

- Introduced: 1,603
 - Truly Agreed To and Finally Passed (regular bills): 17
 - Truly Agreed To and Finally Passed (appropriations bills): 18
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MAJOR ISSUES THAT PASSED THIS SESSION

- Tort reform legislation that places new limits on punitive damages in a liability lawsuit and that allows juries to award punitive damages only when clear and convincing evidence that a defendant intentionally harmed someone without just cause or acted with deliberate and flagrant disregard for the safety of others;
- Ballot language to be submitted to Missouri voters changing state redistricting criteria and banning all lobbyist gifts – [SJR 38](#) – dubbed “Cleaner Missouri”;
- Professional licensing reciprocity; professional licensing of individuals previously convicted of criminal activity; licensure reciprocity for military spouses;
- Election reform including provisions permitting voting absentee by mail without notarization for certain voters due to COVID-19 and allowing other voters to vote by absentee ballot with a notary signature on the absentee voter application;
- Legislation that requires the state to cover up to \$150 of the cost for COVID-19 testing for patients without insurance coverage;
- An omnibus transportation bill that, in part, allows motorcycle riders 26 years of age and older to ride without a helmet. That measure also allows a state commission to create a public/private partnership in relation to the potential construction of a Hyperloop tube transportation system;
- An omnibus crime reform bill that, among other provisions, creates a vehicle hijacking crime, addresses street gangs and a felony for being a gang member, and making stiffer penalties for those found guilty of armed criminal action offenses;
- Legislation that requires county assessors to do a physical inspection of real estate prior to increasing a property’s assessment more than 15%. That same tax reform measure ensures that federal coronavirus stimulus payments are not taxed by the state;
- Legislation that requires Missouri hospitals to perform a forensic examination using an evidence kit upon the request and consent of victim of sexual abuse;
- Broadband legislation that extends the sunset on the Rural Broadband Fund and extends the sunset provisions on the 5G sunset for 4 more years. The bill also allows municipalities to create Community Improvement Districts and Neighborhood Improvement Districts for the purpose of contracting with an internet service provider to provide broadband;

- Legislation lowering the amount of pseudoephedrine an individual can purchase in a month and bans local government from requiring a prescription to purchase pseudoephedrine.
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MAJOR ISSUES THAT FAILED TO PASS THIS SESSION

- Statewide Prescription Drug Monitoring Program (PDMP);
 - Legislation to collect online sales taxes (Wayfair);
 - Immunity for workers deemed essential under COVID-19 restrictions;
 - A school voucher program that would establish a scholarship program to help parents finance their child's elementary and high school education at a school of their choice;
 - Legalizing sports wagering in Missouri;
 - Legislation that would ban illegal slot machines in retail stores in Missouri;
 - Legislation that would allow expansion of charter schools outside of St. Louis and Kansas City;
 - Legislation that would forbid the use of eminent domain in acquiring land for the Grain Belt Express Transmission line;
 - Legislation that would prohibit texting while driving for all motorists. Currently, only those under 18 have a texting while driving ban. This would have made that ban apply to all drivers;
 - Legislation that would prohibit the use of tax increment financing in an area designated as a flood plain by FEMA with exemptions for St. Louis, St. Joseph and Kansas City.
 - Legislation aimed at changing the makeup of a levee district.
 - A Low-Income Housing Tax Credit bill that would have reinstated the low-income housing tax credit and placed a cap on the program;
 - A concealed campus carry bill that would have allowed concealed carry by all students and faculty on campus.
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FY 2021 BUDGET

Missouri legislators approved a \$35.2 billion state budget that includes \$14.7 billion from the federal government's coronavirus relief package. The FY 2021 budget begins on July 1. 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 (up to 10%) 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. However, this funding has, to date, not been received. 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 facing more than \$150 million in budget cuts. There are rumors swirling an additional round of withholds will be announced next week.

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>

BILLS OF INTEREST THAT PASSED

HB 1511 -- PROFESSIONAL LICENSING RECIPROCITY

This bill allows any resident or nonresident military spouse to apply for an occupational license in Missouri, as long as he or she holds a valid current license issued by another state or territory of the United States. The bill includes resident and nonresident spouses of active duty members who have been transferred or are scheduled to be transferred to Missouri, who have been transferred or are scheduled to be transferred to an adjacent state and are domiciled in Missouri, who have moved to Missouri on a permanent change-of-state basis, who are permanent residents of Missouri, or who have Missouri as their home of record. This bill requires an oversight body to issue a license within 30 days for any resident or nonresident military spouse who meets the requirements of licensure reciprocity. Currently, the law shall be interpreted so as to imply no conflict between it and any compact, or reciprocity agreement with other states in effect on August 28, 2018. This bill specifies that should any conflict arise between the reciprocity section and the provisions of any compact or reciprocity agreement, the provisions of such compact or agreement shall prevail. This bill specifies that a resident or nonresident military spouse is eligible, under this bill, to apply for a license with any board, department, agency, or office of a jurisdiction that issues licenses. This bill repeals the provisions relating to the issuance of a temporary courtesy license to a nonresident spouse of an active duty member of the military.

SS#3 SCS HB 1963 – TRANSPORTATION PARTNERSHIPS

TUBE TRANSPORT SYSTEMS (Section 227.600)

This bill modifies the Missouri Public-Private Partnerships Transportation Act to authorize the Missouri Highways and Transportation Commission to form a public-private partnership to construct a "tube transport system", as defined in the bill. The power of eminent domain shall not apply to a tube transport system. No funds from the Constitutional state road fund shall be used for the financing, development, or operation of a tube transport system. Under no circumstances will a public right-of-way necessary for the expansion of Interstate 70 be materially impeded by or transferred to a public-private partnership for the purpose of constructing a tube transport system. The provisions of a tube transport system authorized under the bill will sunset on August 28, 2025, unless reauthorized by the General Assembly in subsequent 5-year periods.

HCS HB 2046 -- PROFESSIONAL REGISTRATION

PROFESSIONAL LICENSE RECIPROCITY (Section 324.009, RSMo)

This bill repeals Section 324.009 from [HB 1511](#) that was signed into law by the Governor on 4/21/2020 and replaces it with a new Section 324.009. The following individuals are currently excluded in statute from the provisions of this section: those with a certificate of license to teach in public schools; and those licensed by the Board of Registration for the Healing Arts, the Board of Nursing, the Board of Pharmacy, the State Committee of Psychologists, the Dental Board, the Board for Architects, Professional Engineers, Professional Land Surveyors, and Professional Architects, the Board of Optometry, and the Veterinary Medical Board. This bill removes these exclusions and requires that licensure by reciprocity for these professions be the same as any other licensed profession in this state. Currently, only a resident of Missouri is eligible to apply for a license by reciprocity, the bill allows any person to apply if the applicant for licensure by reciprocity has had a license for at least one year in another state, territory, or the District of Columbia. The applicant must be licensed at the same practice level in the other state. The bill removes the requirement that the other jurisdiction that issued the applicant's license must have substantially similar or more stringent requirements than the licensure requirements in Missouri. Instead, the bill requires that the other jurisdiction must have minimum education requirements and, if applicable, work experience and clinical supervision requirements. If licensure in Missouri requires an examination on the law of Missouri before licensure, then an applicant can be required to take and pass an examination on the laws of Missouri before being granted a license by reciprocity. The licensing body must review and grant or deny a license within 6 months of receiving an application under this section, unless the applicant is a military spouse, in which case the licensing body must make its decision within 30 days. The bill explicitly prevents licensure by reciprocity if an

applicant has had his or her license revoked in another jurisdiction, is currently under investigation in another jurisdiction, or has a complaint pending in another jurisdiction, or if the applicant does not have a license in good standing in the other jurisdiction or has a criminal record that would disqualify the applicant in Missouri. If another jurisdiction has taken disciplinary action against an applicant, the oversight body must determine if the cause for the disciplinary action was corrected and the matter resolved. The oversight body may deny a license by reciprocity until the matter is resolved in the other jurisdiction. This bill removes a provision that would allow an applicant to be denied a license if granting a license by reciprocity would endanger the public health, safety, or welfare. The provisions of licensure by reciprocity do not apply to a profession that has a licensing compact with another state. A license issued by reciprocity is valid only in Missouri and does not make a licensee eligible to be part of an interstate compact. The provisions of the section will not apply to any of the occupations listed in subsection 6 of Section 290.257 or licensed electrical contractors.

EXPANDED WORKFORCE ACCESS ACT (Section 324.025)

This bill creates the "Expanded Workforce Access Act of 2020". Beginning January 1, 2021, licensing authorities are required to grant a license to any applicant that has completed the 8th grade, completed a federally approved apprenticeship program, and passed any necessary examination. The passing score for any examination cannot be higher than the passing score required for any non- apprenticeship license, and there cannot be an examination required for an apprenticeship license if there isn't one required for a non-apprenticeship license. For some types of apprenticeships, the number of working hours required cannot be more than the number of educational hours required for a non-apprenticeship license. These provisions do not apply to occupations specified in the bill.

PROHIBITED USES OF OCCUPATIONAL FEES (Section 324.035)

Under this bill, no board, commission, or committee within the Division of Professional Registration shall utilize occupational fees, or any other fees associated with licensing requirements, for the purpose of offering continuing education classes. Any board, commission, or committee within the division shall not contract or partner with any outside vendor or agency for such purpose. Nothing in this bill shall be construed to preclude a board, commission, or committee within the Division from utilizing occupational licensure fees for the purpose of participating in conferences, seminars, or other outreach for the purposes of communicating information to licensees with respect to changes in policy, law, or regulations.

FRESH START ACT (Section 324.012)

This bill establishes the Fresh Start Act of 2020. Beginning January 1, 2021, no person shall be disqualified by a state licensing authority from pursuing or practicing in any occupation for which a license is required solely or in part because of a prior conviction of a crime in this state or another state, unless the crime is directly related to the duties and responsibilities for the licensed occupation. If an individual is charged with any of the crimes set forth in the bill and is convicted, pleads guilty to, or is found guilty of a lesser included offense, and is sentenced to a period of incarceration, such conviction shall only be considered by state licensing authorities as a criminal offense that directly relates to the duties and responsibilities of a licensed profession for four years. Beginning August 28, 2020, applicants for licensure who have pleaded guilty to, entered a plea of nolo contendere to, or been found guilty of any offenses specified in the bill may be considered by licensing authorities to have committed a criminal offense that directly relates to the duties and responsibilities of a licensed profession. An individual with a criminal record may petition a licensing authority at any time for a determination of whether they will be disqualified from receiving a license. The licensing authority is required to inform the individual of his or her standing within 30 days of receiving the petition, and may charge a fee, no greater than \$25, to recoup the costs. If a licensing authority denies an individual a license solely or in part because of the individual's prior criminal conviction, the licensing authority shall notify the individual in writing of the reasons for the denial, that the individual has the right to a hearing to challenge the decision, the earliest date the person may reapply for a license, and that evidence of rehabilitation may be considered upon reapplication. If the licensing authority grants a license to an individual, such decision shall be binding unless such individual commits a subsequent crime that directly relates to the occupation for which the individual is licensed, or upon discovery that such person failed to disclose information regarding a prior conviction in the license petition process. Any written determination by the

licensing authority that an applicant's criminal conviction is a specifically listed disqualifying conviction and is directly related to the duties and responsibilities for the licensed occupation shall be documented with written findings for each reason by clear and convincing evidence sufficient for a reviewing court. In any administrative hearing or civil litigation, the licensing authority shall carry the burden of proof on the question of whether the applicant's criminal conviction directly relates to the occupation for which the license was sought. This bill shall apply to any profession for which an occupational license is issued in this state, excluding peace officers or other law enforcement personnel, accountants, podiatrists, dentists, physicians and surgeons, pharmacists, nurses, veterinarians, teachers real estate brokers, real estate salespersons, or real estate broker-salespersons, or any persons under the supervision or jurisdiction of the Director of Finance, , and including any new occupational license created by a state licensing authority after August 28, 2020. Political subdivisions are prohibited from creating any new occupational licenses after August 28, 2020. Any licensing board participating in a compact shall submit any information regarding a licensee's conviction of any criminal offense, regardless of whether or not such offense is directly related to the duties and responsibilities of the profession, to the relevant coordinated licensure information system. Provisions of law relating to the denial of licensure, denial of license renewal, or revocation of a certificate of registration for any offense reasonably related to the qualifications, functions or duties of the occupation, an essential element of which is fraud, dishonesty, an act of violence or moral turpitude are repealed for the following occupations and professions, and a requirement that no person applying for such licensure have committed an offense directly related to the duties and responsibilities of the occupation as set forth in the bill, is added for: Acupuncturists; Anesthesiologist assistants; Architects, professional engineers, land surveyors, landscape architects; Athlete agents; Baccalaureate social workers; Barbers; Behavior analysts; Boxing and wrestling; Chiropractors; Cosmetologists; Dieticians; Electrical contractors; Endowed care cemetery operators; Geologists; Hearing aid fitters and dealers; Interior designers; Interpreters for the deaf; Marital and family therapists; Massage therapists; Nursing home administrators; Occupational therapists; Optometrists; Physical therapists; Physical therapist assistants; Private investigators; Professional counselors; Real estate agents, brokers, appraisers, and escrow agents; Real estate appraisers and appraisal management companies; Respiratory care therapists; Social workers; Speech All applications for initial licensure shall, under current law, be accompanied by an initial licensure fee which shall be paid to the Director of Revenue and deposited by the State Treasurer. Under this bill, all fees charged by the Board shall be collected and deposited into the Board of Registration for the Healing Arts Fund. All licenses issued under current law shall expire on January 30 of each year. Under this bill, all licenses shall expire pursuant to a schedule established by rule. This bill adds a provision allowing the Board to deny a license or seek discipline if any person has practiced in the state of Missouri while no longer certified as an athletic trainer by the Board of Certification, Inc. Under this bill, the Missouri Athletic Trainer Advisory Committee is to be composed of 6 members, rather than 5, to be appointed by the Board. Each member of the Committee shall be a resident of the state of Missouri for five years immediately preceding appointment, and remain a resident of Missouri throughout the term. The additional member shall be a member of the Board. Current law exempts dentists licensed by the Missouri Dental Board, and optometrists licensed by the State Board of Optometry. Under this bill, dentists and optometrists are not exempt from athletic training licensing provisions. Under this act, athletic trainers holding a valid credential from other nations, states, or territories performing their duties for their respective teams or organizations if they restrict their duties only to their teams or organizations and only during the course of their teams' or organizations' visit, not to exceed 30 days in one calendar year, in this state are exempt from athletic training licensing provisions.

SB 913 -- PEER REVIEW FOR DESIGN PROFESSIONAL

This bill relates to provisions of the peer review process for architects, landscape architects, professional land surveyors, and professional engineers that are set to expire on January 1, 2023. This bill repeals the expiration of those provisions.

SJR 38 -- SPECIAL INTEREST

Upon voter approval, this proposed Constitutional amendment modifies laws pertaining to the influence of special interest groups on the state legislature.

GIFT BAN: Currently, a member of the General Assembly, a staff member of a member of the General Assembly, or a person employed by the General Assembly to receive a gift of no more than \$5 per occurrence from a lobbyist or lobbyist principal. This amendment prohibits all such gifts from lobbyists or lobbyist principals (Article III, Section 2(b)).

CAMPAIGN CONTRIBUTION LIMITATIONS: The bill provides that in any election to the office of State Senator, the amount of contributions made to or accepted by any candidate or candidate committee from any person other than the candidate shall not exceed \$2,400, rather than \$2,500. The amendment additionally repeals a provision subjecting campaign contribution limitations for state senate and state house races to inflation (Article III, Section 2(c)).

REDISTRICTING: Independent Bipartisan Citizens Commissions

Currently, the nonpartisan state demographer is responsible for preparing new redistricting plans for the House of Representatives and the Senate, which plans may be disapproved by bipartisan commissions nominated by the major political parties and appointed by the Governor. This bill repeals the post of nonpartisan state demographer and gives all redistricting responsibility to the currently existing commissions, renamed as the House Independent Bipartisan Citizens Commission and the Senate Independent Bipartisan Citizens Commission, respectively. The membership of each commission is modified such that each commission consists of members (20 each, under the current Congressional apportionment) to be appointed by the Governor from lists provided by the state committee and Congressional district committees of each of the two political parties casting the highest vote for Governor at the last preceding gubernatorial election. For each commission, each state committee shall submit a list of five nominees to the Governor and each Congressional district committee shall submit a list of two nominees to the Governor. The Governor shall select two nominees from each list submitted by each state committee and one nominee from each list submitted by each Congressional district committee. No member of either commission may be a member of the other commission (Article III, Sections 3 & 7).

REDISTRICTING CRITERIA: The order of priority for the criteria that is to be used in preparing redistricting plans are as follows:

No district shall be drawn in a manner which would result in the denial or abridgment of the right of any person to vote on account of race or color. Furthermore, no district shall be drawn such that members of a community of protected citizens have less of an opportunity than other members of the electorate to participate in the political process and elect representatives of their choice.

Districts shall be as nearly equal as practicable in population and shall be drawn on the basis of one person, one vote. Districts shall not deviate from the ideal population by more than 1%, provided that deviation may be up to 3% if necessary, to follow political subdivision lines.

Districts must be established in a manner that complies with all requirements of federal law, specifically including the Voting Rights Act of 1965.

Districts must consist of contiguous territory as compact as may be, to the extent permitted in conjunction with the above criteria.

To the extent permitted in conjunction with the above criteria, communities must be preserved, as described in the amendment.

Districts must be drawn to achieve partisan fairness and competitiveness, provided that all preceding criteria shall take precedence. Furthermore, current law provides that, in any redistricting plan, the difference between the total "wasted votes" of the two major political parties divided by the total votes cast for such parties shall be as close to zero as practicable. This amendment modifies that requirement by prohibiting such difference from exceeding 15%.

REDISTRICTING TIMELINE: Each commission must file a tentative redistricting plan and proposed maps with the Secretary of State within five months of appointment. A final statement of such plan and maps must be filed within six months with the approval of at least seven-tenths of the respective commission (14 out of 20 members under the current Congressional apportionment). If either commission fails to file its plan with the Secretary of State within such time period, then the commission failing to do so shall stand discharged and the respective chamber of the General Assembly shall be redistricted using the same criteria listed above by a commission of six members appointed by the Supreme Court from among the judges of the appellate courts of the state of Missouri.

ACTIONS CHALLENGING REDISTRICTING PLANS: Any action expressly or implicitly alleging that a redistricting plan violates the Missouri Constitution, federal law, or the United States Constitution must be filed in the Circuit Court of Cole County and shall name the respective commission that approved the challenged plan as a defendant. In order to bring such an action, a plaintiff must be a Missouri voter who resides in a district that exhibits an alleged violation and who would be remedied by a differently drawn district. If the court renders a judgment in which it finds that a completed redistricting plan exhibits the alleged violation, the court may only adjust those districts necessary to bring the map into compliance. The Supreme Court shall have exclusive appellate jurisdiction upon the filing of a notice of appeal within 10 days after the judgment has become final.

2020 DATES OF INTEREST

- July 1 — FY 2021 Begins
- August 28 — Effective date of all legislation passed by the legislature and signed by the Governor that does not carry specific effective dates or emergency clauses.
- September 16 – Veto Session

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