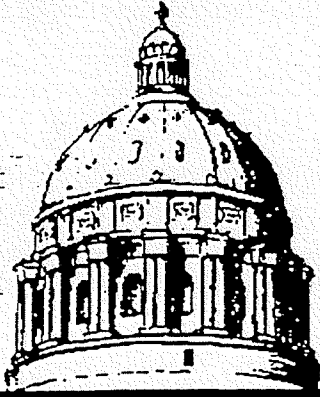


PRESS RELEASE



State Senator, 23rd District

Senator Steve Ehlmann

Minority Floor Leader



MINORITY FLOOR LEADER'S REPORT by Senator Steve Ehlmann

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Infanticide Bill

After 38 hours of filibuster by pro-abortion senators, the Senate passed House Bill 427 which was sponsored by Rep. Bill Luetkenhaus, D-Josephville. A few days later the bill was passed by the Missouri House. The bill is now on the Governor's desk and he has threatened a veto of this measure that would outlaw a procedure known as partial-birth abortion. The partial-birth abortion procedure involves killing the child after it has been partially born but before it is completely delivered. The legal question is whether, *Roe v. Wade* notwithstanding, the State of Missouri can write a criminal statute defining what constitutes infanticide. Senator Ehlmann voted for the ban on partial-birth abortion.

Tax Cuts

The legislature passed a major tax cut bill, House Bill 516, which contained a little over \$200 million in tax cuts. The standard income tax deduction was raised from \$1200 to \$2100 and franchise taxes were lessened or even eliminated for some corporations. Small business owners will be able to deduct the cost of their health insurance and the deduction for public and private pensions will be phased in to allow more pensioners to take advantage. The Governor had originally called for \$190 million in tax relief to eliminate the need for Hancock refunds. The Senate Republicans, based on the fact that the administration has been off on its Hancock projections by 100% in two of the last three years, felt the tax cut should be doubled to \$380 million.

In addition to the tax cuts, there were additional tax credits including \$5 million a year for four years for those who invest in professionally managed seed capital funds for developing businesses. The legislature passed \$16 million in tax credits for distressed communities which would allow a 25% income tax credit for rehabilitation costs for homeowners in distressed neighborhoods. Another measure, Senate Bill 387, provides \$4 million in tax credits to donors who help finance matching savings accounts for the working poor. Senate Bill 14 gives low-income seniors tax credits to help pay for prescription drugs at a cost of \$20 million to the state.

These and other tax saving measures total approximately \$250 million dollars. This is not the \$380 million which the Republicans wanted, but it is a far cry from the \$190 million that the Governor originally asked for. Unfortunately, \$50 million of the relief is in tax credits which means that, in order to get the tax relief, the taxpayer has to do what state government wants him to do. Republicans would rather have seen the entire package of tax relief and more used in direct across-the-board tax relief for all of Missouri's citizens.

The state budget grew this year by almost \$1 billion. This \$1 billion will, no doubt, do some good for the people of Missouri. The quarter of a billion dollars in tax relief will do disproportionately greater good for Missouri families by allowing them to keep more of their hard-earned dollars.

Family Planning

For several years the pro-life majority in the legislature has battled the Governor and pro-abortion legislators over whether or not Planned Parenthood should be allowed to receive funds for family planning. The pro-life majority in the legislature has determined that it does not want Planned Parenthood to receive this money since this same organization also provides abortions. Even though they would be required to keep the funds separate, the money it receives from the state for family planning would simply free up additional money to be used to perform abortions.

Three years ago, the legislature decided not to give the money to Planned Parenthood and Planned Parenthood filed suit. A federal district judge in Kansas City ordered that Planned Parenthood receive its share of the money in spite of the fact that the General Assembly did not appropriate it. The Attorney General did not appeal that decision.

The next year, there was a fight over the money. The Governor called a special session to deal with the issue and the legislature again left Planned Parenthood out. The Governor signed the appropriations, but the Attorney General immediately asked for a clarification of the judge's ruling from the previous year and made no effort to argue the General Assembly's position. The judge ruled again that the General Assembly could not constitutionally deny the money to Planned Parenthood. Senator Ehlmann and other legislators attempted to intervene in the lawsuit to at least argue the position of the pro-life forces. Their petition for intervention was denied.

Finally, last year, Senator Ehlmann and other pro-life senators were given a reassurance by the Attorney General that independent, outside general counsel would be hired to represent

the legislature's position while the Attorney General would represent the position of the Department of Health which was in favor of Planned Parenthood getting the money. Once allowed to hear the pro-life side of the case, the federal Court of Appeals struck down the lower court's ruling that Planned Parenthood was entitled to the money. The case stated that the only way Planned Parenthood would be entitled to the money would be if it were a totally separate subsidiary.

The language in the case was included in this year's bill and will make it impossible for Planned Parenthood to receive state money unless it sets up a separate corporation with a separate board and separate financial structure. Further litigation is likely. Senator Ehlmann voted for the appropriations bill that denied money to Planned Parenthood.

Pensions

Senate Bill 308 increases retirement benefits for state employees, most public school workers and St. Louis police and fire employees. The bill also contains a scaled down increase in pensions for legislators. An earlier bill had passed which allowed a larger pension increase for the 12 most senior members of the General Assembly and the Governor threatened a veto. As a result, the scaled down version of the legislative pension increase was passed later in Senate Bill 308. Senator Ehlmann voted against the bill because it contained a 20% to 35% pension increase for most legislators.

Education

House Bill 889 establishes grants for remedial reading programs in kindergarten through third grade. Senator Ehlmann attached a significant amendment to this bill which established an academic reading standard for all public school children who are not in special education. The amendment basically states that children who are more than two years behind in reading will not be promoted. This is designed to end the process known as social promotion in our schools where children are promoted without meeting necessary academic criteria for advancement. Senator Ehlmann stated, "I hope that the possibility of being held back will motivate parents, teachers, and students to spend the extra time and make the extra effort necessary to improve students' reading skills. Everything else we learn in our schools is meaningless if a person cannot read and continue to learn after graduation."

Tort Reform

Senate Bill 141 gives people more time to file lawsuits against negligent medical providers who fail to relay the results of a test. In addition, the \$100,000 cap on jury awards that an injured person can recover from a governmental entity was increased to \$300,000. The \$100,000 cap was established in 1978 and the \$300,000 represents little more than an adjustment for inflation over the years. Rep. Jon Bennett, R-St. Charles, made an attempt to attach an amendment to Senate Bill 1 prohibiting municipalities in the state from filing lawsuits against gun manufacturers such as the recent suit in St. Louis. That amendment was watered down in conference to simply

allow sanctions and attorneys fees if the court decides these cases against gun manufacturers are frivolous.

Graduated Driving Licenses

This measure allows 15-year-olds to start driving with parental instruction. However, 16 and 17-year-olds would apply for an intermediate license with restricted driving hours before becoming eligible for full driving privileges at 18. In addition, parents or legal guardians may file documentation with the state to prevent their children under age 18 from receiving a driver's license. Senate Bill 392 also included provisions allowing driver's licenses for adults to be valid for six years.

Crime

House Bill 852 allows prosecutors to seek civil commitment of sexual predators already freed from prison. The photos and names of sexual predators will be posted on the internet when Senate Bill 335 becomes law. The bill also encourages judges to use alternatives to prison when sentencing certain criminals to ease overcrowding in prisons. House Bill 490 keeps felons from getting state money to care for low-income children.

Ethnic Intimidation

Senate Bill 328 makes crimes motivated by sexual orientation or disability a separate and higher offense. The sexual orientation and disability laws were pushed by gay rights activists. Senator Ehlmann opposed the extension of ethnic intimidation statutes to include these groups as he also had opposed the original ethnic intimidation bill. Anglo-Saxon jurisprudence has evolved over the years from a time in the middle ages when certain classes, i.e. the king and nobles, received more protection from the law than the commoners. We had gotten away from that and now we are going back to a system where we again have different laws to protect different groups. "The motivation of a criminal should be taken into consideration at the sentencing phase," stated Senator Ehlmann. "A person who assaults a handicapped individual should receive a stiffer sentence, but we should not have separate statutes to protect separate groups."

Elections

House Bill 676 moves the presidential primary to March from April and makes changes in how that election is conducted. Senator Ehlmann amended the bill earlier to eliminate a provision which would have allowed "branding." Branding is a process whereby the county clerk or election authority would be able to keep a record, accessible to the public, of which ballot people took in the primary. Senator Ehlmann said, "While Missouri is one of only two states that does not require people to declare their party affiliation, most people would still rather not have to register as either a Democrat or Republican."

Agency Rulemaking

Senate Bill 176 provides that state agencies cannot adopt administrative rules stricter than are necessary to accomplish the purpose of the underlying statute. The bill further requires rulemaking agencies to adopt procedures for determining whether a rule is necessary.

Funeral processions

Senator Ehlmann passed Senate Bill 270 establishing the rights of funeral processions. Most people yield the right-of-way as a matter of courtesy. Now it will become a matter of law.

Emancipated Minors

Senator Ehlmann passed Senate Bill 271 which allows emancipated minors to make a will.

POW/MIA Recognition Day

Senator Ehlmann handled House Bill 528 in the Senate establishing a Prisoners of War / Missing In Action Recognition Day on the third Friday of September each year.

Items of Local Interest

Gaming Facilities

Senator Ehlmann added an amendment to House Bill 793 requiring Station Casino to complete its construction project in St. Charles within four years or receive an extension from the Gaming Commission. Without completion or an extension, the Gaming Commission would be able to revoke the gaming license of Station Casino. This issue was initiated by City Councilman Rory Riddler and former mayor Bob Moeller last fall when they appeared before the State Gaming Commission to complain about the unfinished structure next to the I-70 bridge. Senator Ehlmann's amendment was the result of a compromise with supporters of the gaming industry. His original bill on the subject would have required completion within two years. House Bill 793 also changes enforcement procedures on gambling boats, regulates raffles and sweepstakes, and exempts children's arcades from state gaming laws.

DSW 137673

Convention Center

This year's budget contains \$1 million of the state's appropriation for the St. Charles County convention center. After plans for a companion hotel on the preferred site fell through, the convention authority in the City of St. Charles has been looking at alternative developers and sites for the project.

St. Charles County Community College

Our local community college received an extra \$150,000 above its normal appropriation in this year's budget. This was about one-half of what the Coordinating Board for Higher Education had recommended to the Governor. The St. Charles County Community College and other community colleges in growing areas do not receive their fair share based upon student enrollment. Areas that actually have declining enrollments continue to get more money every year. Senator Ehlmann's attempt to rectify this with a foundation formula for junior colleges did not make it to the floor for debate this year. The \$150,000 is a start on trying to rectify the under funding.

Distressed Communities

The legislature passed a measure designed to help people fix up their homes if they live in neighborhoods that are experiencing decline. Homeowners in certain older areas in the City of St. Charles wishing to spend \$10,000 in fixing up their homes will be eligible for a 25% tax credit against their state income tax. There is a \$16 million cap on the amount of tax credits available.

Family Court

Senate Bill 1 provides state funding for a family court commissioner in the St. Charles County Circuit Court. The commissioner is presently being paid with county funds.

Bills That Did Not Pass

- **Collective Bargaining.** House Bill 166 would have required governmental entities and school districts to recognize bargaining agents for employees and teachers. It would have forced all employees to be a member of such a recognized union and to pay dues. Many entities and school districts in the St. Louis area already voluntarily negotiate but there is no requirement they do so or that the employees join the union. The collective bargaining bill was killed in the House of Representatives early in the session.
- **Horse racing.** Senate Bill 373 would have allowed simulcasting of horse racing. The operator would be allowed take year-round bets on races from around the country at a Missouri track that features live races 30 days a year. Senator Ehlmann opposed the bill.
- **Airport.** House Bill 971 would have clarified that the City of St. Louis has the authority to ignore the City of Bridgeton's zoning requirements with regard to the W-1W expansion at Lambert Airport. The City of St. Louis had initiated expansion on the assumption that they already had the authority in the statutes. However, Bridgeton filed a lawsuit which many believe Bridgeton has a good chance to win in the Court of Appeals. To get around this, the bill was filed and ramrodded through the Democratic-controlled House. After a hearing in the Senate, the Senate sponsor decided not to turn the bill in when the City won at the circuit court level. Should the circuit court opinion be overruled, there is no doubt that the City of St. Louis will be back in the legislature next year trying to pass legislation to allow it to ignore Bridgeton's zoning. Senator Ehlmann worked very hard against this measure and believes that one of the reasons the sponsors did not proceed is that they knew the bill would be amended in the Senate to give the zoning veto to a regional airport authority which Senator Ehlmann has pushed for the last three years and was in a bill which 11 of out of 13 St. Louis areas previously co-sponsored. Senator Ehlmann stated, "It is not right to allow one city to overrule the zoning of another city. People who disagree with those decisions have no recourse at the polls. No one in St. Charles County can vote for the mayor of the City of St. Louis. St. Charles County has no representation on the airport commission."
- **Tobacco.** Senate Bill 288 and House Bill 430 would have set up a trust fund to hold Missouri's \$6.7 billion share of the national tobacco settlement. There was much debate on the tobacco settlement in the Missouri Senate. One of the big issues dealt with the attorneys who stand to make large sums as fees on the tobacco settlement since the agreement gives them the power to negotiate directly with the tobacco companies or have the amount of their services determined by arbitration. Many Republicans felt that the Attorney General should simply have gotten as much money as he could from the tobacco companies and then allowed the attorneys' fees to be decided by the General Assembly through the appropriations process.

Another issue surrounding tobacco is whether or not the money constitutes state revenues which would count against the Hancock Amendment lid. If so, the funds would have to be refunded to the taxpayers rather than spent by the bureaucrats. The House version tried to

spend the money before the agreement was final.

- **Health Insurance.** This would have helped people with chronic illnesses and those without health insurance get affordable coverage. Last year's effort to provide health insurance for children has fallen far short. The proponents of that bill claimed that there 90,000 children out there whose parents wanted to get insurance for them. We passed last year's bill allowing that insurance for all families making up to 225% of poverty and for those up to 300% if the children have a condition which makes their health insurance unaffordable. As of last fall, only 30,000 families had taken advantage of that program. The Department of Social Services wants to start an advertising campaign to let people know that the insurance they need is now available from the state.
- **School Votes.** A House Joint Resolution to allow voters to approve a change to the Constitution allowing voters a simple majority to approve bond issues was unsuccessful.
- **Term Limits.** Attempts to undo what two-thirds of Missouri voters approved was defeated. Term limits, overwhelming approved by the voters in 1992, will remain. Attempts by liberals in the General Assembly to eliminate them was unsuccessful.
- **Earnings Tax.** Senator Ehlmann's attempt to end the earnings tax in the City of St. Louis was unsuccessful for this year. One of the ways that was to be accomplished was for the state to provide additional economic support to the city. While opponents said this was impossible, the General Assembly did pass millions of dollars of tax credits which will go mainly to the city of St. Louis.
- **Census Count.** An amendment offered by Senator Ehlmann and passed by the Senate would have required actual enumeration in the next census was removed in committee. Many fear that liberals will try to use sampling rather than actual enumeration in drawing boundaries for Congressional districts.