

MISSOURI HOUSE OF  
REPRESENTATIVES



*The Legislative Link*  
*Connecting the People with the Process*

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***House Approves Prompt Pay Legislation***



By a vote of 157-0, the Missouri House of Representatives gave final approval Thursday to legislation that would ensure the prompt payment of health insurance claims made by providers. The sponsor of HB 1498, Rep. Tim Jones, R-Eureka, says the bill is an important step toward containing the cost of health care.

“We talk often in this state and this country about health care reform. I would submit that generally what we’re talking about is truly health care cost reform,” said Jones. “The bill you have before you today is a positive step towards the direction of actually having some good health care cost reform.”

One provision of the bill would remove the suspension provision currently in state statute that allows health insurers to delay payment by suspending a claim. According to Jones, the suspension provision enacted by the Missouri General Assembly 12 years ago has resulted in many unforeseen consequences including the non-payment of claims. Rep. Jeff Roorda, D-Barnhart, agreed, saying some insurers have abused the suspension provision.

“They used this weak statute and our weak Department of Insurance, which is sort of a toothless giant, to get away with not having to pay these claims,” said Roorda. “While they sit on this money earning interest, health care providers are having this awful problem with cash flow and it drives up our health care costs astronomically.”

HB 1498 would streamline the claims process and provide 45 processing days for claims to either be paid or denied. The bill also would implement a penalty of 1 percent of the total claim amount per day the claim remains unpaid past the 45-day window. In addition, the bill would define a clean claim, which a provider must provide to an insurer for reimbursement.

The legislation is meant to address some of the issues uncovered in a 2009 report published by the Missouri Department of Insurance, which showed Missouri health care providers have dealt with significant payment delays in claims filed with insurance companies. The report showed more than 26 percent of claims at 69 Missouri hospitals are past due by 90 days or more. Overall, in the second quarter of 2009, hospitals reported \$153 million in claims unpaid after 90 days.

“We have had problems for years in prompt payments of claims. It has been a large concern,” said Rep. Sharon Pace, D-Northwoods. “It is a costly problem and we need to resolve it. I think this bill is something that will certainly assist in getting us to that point.”

Rep. Jones agreed, saying the legislation is good for everyone.

“It means health insurance claims will be paid in a much more timely and efficient manner. It will eventually help health insurance costs to decrease. It’s good for the consumer. It’s good for the health care industry. It’s good for all Missourians,” said Jones.

The bill now moves to the Senate for consideration.

### ***House Education Appropriations Committee Puts Finishing Touches on FY2011 Budget***

The House Education Appropriations Committee held an executive session Tuesday to discuss amendments to HB 2002 and HB 2003, which appropriate funds for elementary, secondary and higher education.

Unlike other appropriations committees, education was not faced with the challenge of making large cuts in funding. Rep. Mike Thomson, R-Maryville, who chairs the committee, said that a leftover \$2.7 million in funding from the A+ program would help the committee sustain important programs. However, Thomson voiced concerns about the formula that appropriates funds for elementary and secondary education.

“We here on the education committee are education advocates,” Thomson said. “We would like to see the formula fully funded, but we can’t do it out of house bills two and three... as education advocates, we will do the best we can with that.”

The committee spent time discussing an increase in funding for the early education program known as Parents as Teachers. This state-funded program teaches parents about providing early education to their children, and also screens children for developmental disorders and other disabilities. Under Governor Nixon’s proposed budget, the program would lose \$4.1 million in state funding. House Amendment 3 to HB 2002 proposed to take a portion of the funds previously allocated for another program, Career Ladder, and give them instead to Parents as Teachers. Career Ladder provides annual stipends for teachers who meet certain standards of excellence and achieve National Board Certification.

“I think it’s important for districts to continue to offer this,” Rep. Chris Molendorp, R-Belton, said. “Obviously we’re not in any sort of a financial position to do what they would like, what I would like, members on this committee would like, but I do think it is reasonable to find a small amount of money for them to continue the programming.”

No one on the committee felt that either program deserved to lose its funding, including Rep. Steve Hodges, D-East Prairie. “I feel like criticizing either one of those programs, the spin on that would be like criticizing Santa Claus and the Easter Bunny, which I think are both pretty good things,” Hodges said.

However, some representatives feared that cuts to the Career Ladder program would be too harmful to the state’s teachers, and the committee voted against the amendment. “Cutting of the

Career Ladder is really taking money out of a paycheck for work that's already been expended," Rep. Margo McNeil, D-Florissant, said. "I am a huge, huge supporter of Parents as Teachers, and I'm very pained by the cuts they have taken, but I do feel we probably need to look elsewhere."

The committee also discussed funding for regional professional development centers, and voted only to continue to fund the nine original centers. Two new centers were constructed last year in Joplin and St. Joseph which will not receive funding under the legislation.

The committee also voted to continue funding for the Missouri Virtual Instruction Program, which provides online classes for K-12 students, the Missouri Character Education State Project, the MOREnet Internet program for public schools and the University of Missouri Health System Missouri Kidney Program. In addition, representatives voted to use federal grant money to fund a new child care center at Lincoln University in Jefferson City.

### ***House Agri-Business Committee Hears Testimony on Concealed Carry Bills***

The House Agri-Business Committee met Wednesday to discuss multiple bills dealing with laws regulating concealed weapons. Five bills would extend the lifetime of a permit to carry a concealed weapon from the current length of three years to a potential five.

Rep. Eric Burlison, R-Springfield, sponsors HB 1291. "This is a difficult process," Burlison said of renewing a concealed carry endorsement. "It's an expensive process for citizens, and anything I can do to make it easier, that's why I'm here."

Jackson County Sheriff Mike Sharp testified that a significant portion of his department's revenue comes from renewal fees. Given that the extension would cause citizens to buy endorsements less often, he said the legislation would substantially decrease his funds and cause the department to cut back even more on operations.

Rep. Mike Parson, R-Bolivar, sponsors HB 2076, which would extend the concealed carry endorsement to five years and would require holders to complete some kind of refresher course on state gun legal restrictions every three years. "The people that need concealed carry are law-abiding citizens," Parson said. "I feel very comfortable with extending that."

Rep. Brian Munzlinger, R-Williamstown, who chairs the committee, questioned whether the endorsement should be extended to six years, so that citizens could renew it at the same time they renewed their drivers' licenses. A representative from the National Rifle Association testified that a 6-year law would conflict with current federal gun laws.

Three bills proposed to lower the minimum age requirement for obtaining a concealed carry endorsement from 23 to 21, while another proposed lowering the age to 18. The committee discussed the issue of reciprocity in other states, wondering whether other states would recognize Missouri's lower concealed carry age requirement. Kansas has an age requirement of 23, and generally does not honor permits from any state with a lower requirement. Meanwhile, Illinois prohibits carrying a concealed weapon entirely, Iowa does not honor any other state's permit, and Arkansas will generally honor states that also honor its age requirements.

Two bills proposed to allow prosecuting attorneys to carry guns into courthouses. Rep. Don Ruzicka, R-Mt. Vernon, sponsors HB 1669, and Rep. Mike Dethrow, R-Alton, sponsors HB 1756.

Rep. Barney Fisher, R-Richards, thought the proposed legislation would particularly aid rural Missourians. “Part of the problem in smaller rural areas is that they can’t afford security for their courts,” Fisher said.

Munzlinger said the committee will now try to combine the bills into a substitute.

### ***House Committee Hears Testimony on Several State Sovereignty Bills***

On Tuesday, the House Committee on Real ID and Personal Property held public hearings for HCR 11, HCR 25, HCR 29, HJR 88, HCR 14 and HB 1265.

HCR 11, which was introduced by Rep. Cynthia Davis, R-O’Fallon, declares Missouri’s sole and exclusive right of self-governance as a sovereign and independent state. Davis compared the federal government to a bully that is picking on the states, denying them their rights. Davis used an example from her childhood to make the point.

“When I was in 8<sup>th</sup> grade, there was another young lady who liked to trip me in the hallway when we were going from class to class. I would come home and tell my mother each day, and my mother got a little tired of hearing this each day. She said the only way to stop a bully is to stand up to a bully,” Davis told the committee. “That’s the essence of this resolution: this is the end of it. Missouri must stand up for its rights.”

Rep. Jim Guest, R-King City, presented HCR 25 which claims sovereignty for the states under the 10th Amendment of the United States Constitution for all powers not otherwise enumerated and granted to the federal government under the Constitution. “We always think about a pyramid with the federal government at the top. We need to invert that pyramid. We the people have the rights, and we set up the state government,” Guest said.

Members of the public, including members of the Missouri Sovereignty Project testified in favor of the resolution.

HCR 29 affirms and HJR 88 proposes a constitutional amendment asserting the state’s sovereignty and the sovereignty of its citizens under the Tenth Amendment of the United States Constitution. Both were presented by Rep. Brian Nieves, R-Washington, in hopes of asserting Missouri’s rights and sending a message to Washington D.C.

“We have sat back and allowed the federal government to encroach upon our state sovereignty, and do more of what they are not supposed to do,” Nieves explained. “This is fully intended to be a smack down to the federal government.”

Rep. Jason Grill, D-Kansas City, and Rep Michele Kratky, D-St. Louis, questioned the language in the bill about federal hate crime designation. The bill would prohibit the executive, judicial, and legislative branches of Missouri’s government from recognizing, enforcing, or acting on federal actions increasing the penalty for a crime based on a perpetrator’s thoughts or designating

hate crimes. Nieves explained that violent crime should not be classified in varying degrees based on the victim.

“I guess when we have certain degrees of murder, we shouldn’t have that? Everything should just be classified as murder?” Kratky asked.

Several concerned citizens testified in favor of the bill.

Rep. Joe Smith, R-St. Charles, presented HB 1265, which would prohibit the use of global positioning systems or other technology to monitor the mileage traveled by any motor vehicle in order to impose any mileage tax. The bill, which has no cost, would put in place a preventive measure to keep Missouri from taxing mileage.

### ***House Health Care Policy Committee Considers Legislation to Establish Women’s Heart Health Program***

Many uninsured and underinsured women would have access to free heart disease risk screenings under legislation considered by the House Health Care Policy Committee this week. Rep. Anne Zerr, R-St. Charles, sponsors HB 1898, which would establish the Women’s Heart Health Program within the Department of Health and Senior Services.

During her testimony, Zerr said her reason for sponsoring the bill is personal. Zerr told the committee about a devastating heart attack suffered by her sister while on vacation in Mexico.

“She had no symptoms so she didn’t get screened before she left. Had she known some of the warning signs and had she been checked out, they would have given her some sort of stress test, and maybe she would have been able to receive an angioplasty when she was here, and she’d be with us today,” said Zerr.

HB 1898 would establish the Women’s Heart Health Program to provide heart disease risk screenings for uninsured or underinsured women between the ages of 40 and 64 who receive breast and cervical cancer screenings under the Missouri Show Me Healthy Women Program and have a gross family income at or below 200% of the federal poverty level. Screenings would be provided by health care providers currently offering services under the Show Me Healthy Women Program.

Jace Smith with the American Heart Association testified in support of the legislation. Smith said the program is part of the WISEWOMAN program, which is federally funded by the Centers for Disease Control and Prevention. However, given the current economy, he said it’s understood that funding for the program won’t be immediately available. Smith said even with the lack of funding, the legislation is important to raise awareness.

“This is really to get this program out in the forefront to educate legislators, educate the community and, most importantly, women on these risk factors for heart disease,” said Smith.

Rep. Wayne Cooper, R-Camdenton, addressed the issue of funding for the program. “The CDC is already talking about cutting back their funding rather than expanding it, so in reality the committee needs to realize this line item is probably going to be filled by general revenue dollars. Realistically, that’s where the money is going to come from. That’s going to be a tough

buy for a few years,” said Cooper, who chairs the committee. “I support the idea of getting the line item established and getting the awareness built up and we can work as the revenue increases to increase this program.”

The committee took no further action on the bill.

### ***House Health Care Policy Committee Considers Legislation to Provide Liability Protection for Pro Bono Health Care Providers***

On Wednesday, the House Health Care Policy Committee heard testimony on legislation aimed at encouraging doctors and medical staff to provide pro bono health care by offering liability protection through the state’s Legal Expense Fund. Rep. Wayne Cooper, R-Camdenton, sponsors HB 1650, which he says primarily targets free clinics.

“It’s my understanding there’s rarely ever a claim against a free clinic and I don’t see this as being a huge drain on the legal expense fund, but it encourages citizens and professionals to be civically minded in meeting the health care needs of individuals who are not as fortunate as some of us who have insurance,” said Cooper.

Dr. Bridget McCandless with the Jackson County Free Health Clinic explained the problem currently faced by free clinics in Missouri. McCandless testified that she often has to refer patients to specialists who are willing to provide pro bono care but have concerns about being exposed to a lawsuit.

“This bill makes it easier because it will allow the professional corporations of the physicians to be protected and the specialist staff to be protected,” said McCandless. “I think we will see an amazing influx of volunteer-minded physicians.”

HB 1650 adds a specialist, a licensed health care professional under the direction of a licensed physician or dentist, a tax-exempt charitable health care referral network, and the professional corporation of a physician to the list of health care providers for whom the State Legal Expense Fund is available.

The committee took no further action on the bill.

### ***House Tax Reform Committee Hears Scratch-Off Match-Off Bill***

On Wednesday, the House Committee on Tax Reform heard testimony on HB 2131, which would require a \$2 deduction each pay period from the governor's personal pay to be deposited into the Governor Nixon's Federal Scratch-Off, Match-Off Fund to purchase a Powerball lottery ticket each week. The bill is sponsored by Rep. Mark Parkinson, R-St. Charles.

“I think a lot of people came here today expecting something funny, unfortunately, this is not a laughing matter. The budget our Governor Jay Nixon has provided us with is \$300 million in the red,” Parkinson said. “\$300 million is a lot of money that could pay for a lot of programs in the state of Missouri. Where does this money come from that we are short? The governor based that money coming to the state on an appropriation that may, or most likely will not come from the federal government. We could pass this budget as is, but in my opinion, we would be the bad guys when we have to make cuts.”

Chairman of the committee, Rep. Joe Smith, R-St. Charles, questioned what would happen if Nixon's tickets won the jackpot. Parkinson explained that the bill would need a sunset clause, and hopefully the bill wouldn't be needed in the future.

Rep. Jeanne Kirkton, D-Webster Groves, voiced her concerns with the bill. "I received an email last night on an article that calls Missouri the laughingstock of the United States as a result of your bill. I think Missouri definitely has a revenue problem, and this bill is cute and clever, but it's not going to solve our problem here," said Kirkton. "I would really prefer that we all sit down together and have a new vision for Missouri."

Rep. Paul LeVota, D-Independence, an ex-officio member of all committees, sat in on the hearing and questioned the need to hear the bill. "I come here with disbelief that we are having a hearing on this. We do things in this building to push political agendas, but the fact that this bill was even introduced, and the fact that we're actually talking about this is mind-blowing. We are wasting one of the most important committees in the house on this," said LeVota.

There was no testimony in favor or in opposition of the bill.

Also discussed was HB 1953, sponsored by Rep. Joe Smith, R-St. Charles. The bill would require county governing bodies to allow taxpayers to prepay all or any portion of their property taxes monthly, based on their previous year's tax bill.

Members of the committee inquired about how the payments would be handled by smaller counties, and Smith did not foresee a problem for many counties. Some larger counties are set up to accept payments on a monthly or quarterly basis.

Daryl Duwe, a representative of the Missouri County Collectors' Association, testified for informational purposes.

### ***House Committee Hears Testimony on Bill Calling for Weekly Water Quality Postings for State Park Beaches***

The House Committee on State Parks and Waterways heard testimony Thursday on a bill that would require the Missouri Department of Natural Resources to promptly post the results of water quality testing for all public beaches in Missouri state parks. Rep. Anne Zerr, R-St. Charles, sponsors HB 2165, which comes in response to an incident that occurred last year when the department failed to promptly publicize water quality tests that found high levels of E. coli in the Lake of the Ozarks.

The department's state parks division tests Missouri waterways for E. coli and fecal coliform each week. Each Monday, water samples are collected and sent to a laboratory where results are finalized within three to four days. The process is intended to give beach patrons the most recent sample results before the weekend.

While her original bill required test results to be posted for all rivers, lakes, streams and creeks, Rep. Zerr revised the legislation after discussions with DNR. The version of HB 2165 presented by Zerr to the committee would require all test results from sampling at public beaches in Missouri state parks to be posted on DNR's website and at the test site within four days of the

sample being collected. The original bill required the department to post results for all Missouri rivers, lakes, streams and creeks within three days of the sample being collected.

The committee took no further action on the bill.

### ***House Honors Daytona 500 Winner***



The Missouri House of Representatives took time Thursday to honor Daytona 500 winner and Joplin native, Jamie McMurray. House Speaker Ron Richard, R-Joplin, introduced McMurray in the House Chamber along with McMurray's wife, Christy, and Bass Pro Shops owner, Johnny Morris.

Richard, who has known McMurray and his family for years, said the Daytona 500 winner was the same humble and unassuming individual he was as a kid. House members gave McMurray a standing ovation before he briefly addressed the crowd.

"I've never been more proud to be born in the state of Missouri than I have been today," said McMurray. "This has been really just a very special day for my wife and me to get to come here and for me to get to represent the state of Missouri. It really means a lot."

Richard honored McMurray with a proclamation. He also presented a proclamation to Johnny Morris, whose company is a McMurray racing sponsor. Gov. Jay Nixon declared the day "Jamie McMurray Day" in Missouri.

### ***Additional Web Links***

#### **Photos from the Week of Feb. 15 - 19**

<http://www.house.mo.gov/content.aspx?info=/photos.htm>

#### **Video Feature – House Budget Leaders Discuss Stimulus Funding**

<http://www.youtube.com/watch?v=WEcojaxcLdY>

#### **Video Feature – House Committee Advances Plan to Protect High School Athletes from Head Injuries**

<http://www.youtube.com/watch?v=0tGUKY6DBjo>

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