

*State Senator* **Gary**  
**NODLER**

*End-of-Session Report 2005*

**INSIDE:**

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Reform*

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*Medicaid  
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Dear Friends,

As my end-of-session report will show you, this session has been a model for keeping legislative promises.

Our system of civil liability was abused. We transformed it. Our workers' compensation laws were flawed. We reformed them. Our school-funding formula was broken. We fixed it. But we didn't stop there...

We also passed many bills to protect our loved ones from various social adversities and improve our state's future. Overall, the past legislative session has been filled with success in helping move Missouri forward.

It has been an honor to represent the 32nd Senate District in Missouri's upper chamber, and I look forward to continuing my service to you. If you have any questions or concerns, please do not hesitate to contact me. Thank you.

Best Wishes,

## About Your Senator

- Sen. Nodler grew up in Neosho, Mo., and graduated from Neosho High School in 1968.
- He was Congressman Gene Taylor's district staff director from 1973 until the Congressman retired in 1988.
- Sen. Nodler currently lives in Joplin with his wife, Joncee. They have a son, Justin, and a granddaughter, Rachel.
- Sen. Nodler was elected to the Senate in 2002 to represent Dade, Jasper and Newton counties.
- He was elected to be the Senate's Assistant Majority Floor Leader in 2004. He is the first Republican from southwest Missouri to be elected to a Senate majority leadership position in more than half a century.
- As Assistant Majority Floor Leader, Sen. Nodler is directly involved in determining which legislation comes before the Senate for debate, the scheduling of debates and the approaches the Senate will take to address the more than 1,500 bills that are introduced each session.
- Sen. Nodler is chairman of the Senate Education Committee, vice chairman of the Appropriations Committee and chairman of the Joint Committee on Legislative Research.

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# 32<sup>nd</sup> District Matters

## Jessica's Law: the Means to Proportionate Justice

To clearly send the message that drunk driving is inexcusable, lawmakers granted final passage to SB 37, which Sen. Nodler sponsored.

Under the legislation, the penalty for involuntary manslaughter in the first degree is increased to a Class B, rather than Class C, felony if a driver has a blood alcohol content (BAC) between .08 and .18 and causes the death of any person who is not a passenger or causes the deaths of two or more people.

Furthermore, if the driver's BAC is higher than .18 when he or she causes the death of anyone, he or she will also be guilty of a Class B felony. Repeat offenses are subject to a Class A felony.

All defendants in the above cases must serve at least 85 percent of their sentence before they can be considered for parole. Legal consequences have also been stiffened for repeat driving-while-intoxicated offenses.

For too long, Missouri has been too lenient when it comes to these alcohol-related crimes.

Last summer, 7-year-old Jessica Mann and her grandfather, James Dodson, were checking the mailbox outside of Mr. Dodson's home when a drunk driver struck and killed both of them.



The driver had a blood-alcohol level of .202—more than twice the legal limit.

It was the driver's choice to get drunk. It was the driver's choice to get behind the wheel while drunk.

It was neither the choice of Jessica nor her grandfather to fall victim to the drunk driver's disregard for human life.

Our current law does not ring of justice to the ears of the family and friends who are left with such a heart-wrenching loss.

But thanks to SB 37, Missouri's criminal code now grants a more proportionate punishment for drunk drivers whose carelessness results in the loss of innocent life.

*"Our current law does not ring of justice to the ears of the family and friends who are left with such a heart-wrenching loss."*

## A Fitting Name for a Deserving Institution

The Senate's first all-night debate of the session resulted in renaming several institutions of higher education. Two of the schools are in southwest Missouri.

Sen. Nodler was one of the co-sponsors of the bill, which drops the city designation from Missouri Southern State University-Joplin and renames Southwest Missouri State University as Missouri State University.

The name changes, which take effect in August, will boost the schools' ability to attract out-of-state students and highly qualified staff.

Similar legislative attempts for the past two decades have been unsuccessful.

But this time around, our governor, who is also from southwest Missouri, endorsed this legislation and didn't hesitate to sign the bill into law.

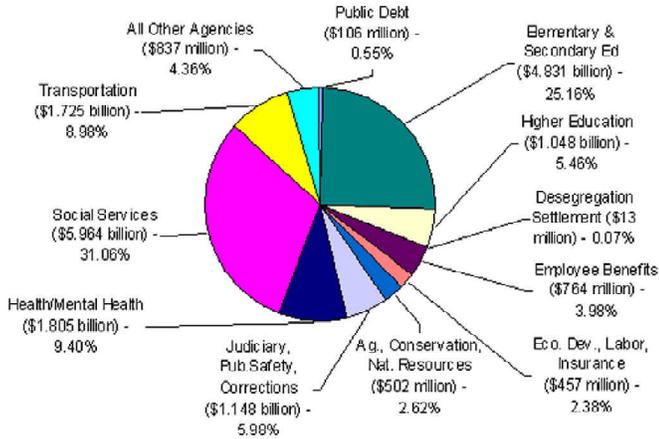
Congratulations to the new Missouri Southern State University and the new Missouri State University!



*Sen. Nodler is the chairman of the Senate Education Committee and one of the sponsors of the name-change legislation.*

# Budget Basics

FY 2006 Operating Budget  
All Funds: \$19.2 Billion



The Missouri legislature is constitutionally required to send a budget to the governor each year.

After thoroughly considering the primary 13 appropriation bills, lawmakers approved a final \$19.2-billion budget one day ahead of the May 6 deadline.

Our fiscal plan increases state spending by 1.7 percent in comparison to the last fiscal year, with the Department of Social Services leading all state departments in funding with \$5.96 billion. The Department of Elementary and Secondary Education is second with \$4.83 billion in spending.

# Appropriately Appropriating

## *Sen. Nodler Helped Secure Funding for Southwest Missouri's Priorities*

Sen. Nodler is vice chairman of the Appropriations Committee, which reports on legislation dealing with disbursement of state funds. The legislature cannot significantly raise taxes without voter approval, and Missouri voters have refused to increase their personal tax burden twice in recent years. Because Missouri's constitution prohibits deficit spending, each fiscal season, lawmakers are faced with the challenge of spending within Missouri's means.

The state's main priority is investing in education, which resulted in boosting funding for elementary and secondary education by \$113 million. Providing ample resources for Missouri children's education is necessary for the state's long-term vitality. The resulting appropriations are in line with that goal. Lawmakers further invested in Missouri children by allotting \$26.1 million toward First Steps, an early intervention program for more than 8,000 children younger than 3 years old with developmental disabilities.

### Restoring the Joplin Crime Lab

For 30 years, regional law enforcement agencies have depended on the crime lab located on the campus of Missouri Southern to process criminal evidence and to train officers in forensic sciences. But when Joplin's city budget no longer funded the lab, the backlog increased at the State Highway Patrol's crime lab.

Sen. Nodler succeeded in having the state pick up the cost of operating the Joplin crime lab. The state budget now calls for an additional \$147,000 to go toward the Missouri Southern crime lab. Now that Southern's lab can be fully funded, case processing will be expedited and more efficient.

### Maintaining Southwest Missouri Jobs

To keep jobs in Missouri, the Jobs Now Infrastructure Program provides funding opportunities for cities and counties to access grants or low interest



loans for funding public infrastructure projects. With the program's funding, existing workers can be retrained to advance their skills to prevent outsourcing. The program was nearly cut from the state budget, but with the help of Sen. Nodler and Rep. Ron Richard, Jobs Now still exists. Premier Turbines, in Neosho, directly benefited by being able to keep 50 jobs in place.

### Saving Area Colleges from Budget Cuts

With his positions on the Senate Education Committee and the Senate Appropriations Committee, Sen. Nodler triumphed in defending Missouri's colleges and universities to ensure that Crowder College and Missouri Southern State University maintain their levels of funding.

Because they will not experience any budget cuts, these schools can continue to be anchors in the southwest community and remain vital to the state's system of higher education.

# \$ A Formula for a Good Investment \$

Missouri has touted education as its top priority for years. But due to a changing economy, the current way the state distributes funds to public schools is no longer sufficient. As a member of the Joint Committee on Education, Sen. Nodler worked with other lawmakers to rewrite the school "foundation formula" so that every child in Missouri can receive an adequate and equitable education, regardless of where they live in the state.

The new school-funding plan sets a minimum amount the state has to spend per pupil and adjusts the figure according to each district's special needs and costs of living. The plan calls for an annual increase of at least \$800 million to be phased in over the next seven years. Smaller school districts will

have access to \$15 million in grant money, and urban school districts will receive additional money to cover higher labor costs.

This formula ensures that the education Missouri children receive will be worth the money that taxpayers invest.

How your county will fare under the new formula:		
COUNTY	FY 2006 Current Formula	FY 2007 New Formula
Dade Co.	\$3,913,920	\$4,019,548
Jasper Co.	\$45,814,723	\$52,662,581
Newton Co.	\$24,962,562	\$26,705,890

Medicaid was created in the late 1960s to provide help in the form of state-funded health care to those who are truly in need. Missouri's spending on the Medicaid program has grown from \$38,914,458 (4% of our state budget) in 1968 to \$4,888,399,124 (28% of our state budget) in 2004.

Just because Missouri's Medicaid rolls have been all-too welcoming, it does not mean that the state is all-the-more compassionate. Displaying true compassion would mean providing only the less fortunate with high-quality and easy-to-access health care, rather than giving a government handout to self-sufficient individuals.

Because the Medicaid program swelled beyond its means over the past two gubernatorial administrations, this year legislators were faced with the very necessary,



but very difficult, decision of devising a more fiscally responsible plan.

The budget was written according to Missouri's priorities, and because adequately funding public schools is the state's main goal, lawmakers had no choice but to tighten excessive spending on social programs.

Senate Bill 539, which Sen. Nodler co-sponsored, calls for stricter eligibility verification and oversight to keep Medicaid from collapsing on itself.

No qualified child or pregnant woman will be cut off Medicaid, and the state will continue to provide prosthetics, eyeglasses, podiatry and dental services for most adults, subject to appropriations.

The legislative plan restores income eligibility thresholds to the level they were at just three years ago and also closes a loophole that allowed certain wealthy individuals to qualify for Medicaid.

Missouri is on its way to improving the state-funded health-care system so that the brunt of budget cuts is not placed on the backs of those who need help the most.

Medicaid's \$ Growth Over the Year\$		
YEAR	Total State Money Spent	Percentage of State Budget
1968	\$38,914,458	4%
1980	\$320,505,298	8%
1990	\$832,557,078	11%
2000	\$3,337,470,275	20%
2004	\$4,888,399,124	28%

# Welcoming Missouri Businesses

Two meaningful bills move Missouri toward a more *business-friendly economic climate*.

## Tort Reform Bill

Excessive jury awards in civil suits of cases such as medical malpractice, wrongful death and product liability cause insurance premiums to rise.

Costly insurance premiums force businesses to move out of state and doctors to stop performing high-risk procedures in Missouri.

With the support of a governor who promotes job growth, Missouri's tort system will finally be able to more appropriately seek justice in terms of culpability and financial responsibility.

### The legislation (HB 393):

- ▣ Aims to prevent juries from awarding excessively high amounts by placing a \$350,000 cap on non-economic damages, which are allocated for pain and suffering.
- ▣ Prohibits "venue shopping," a practice in which trials are moved to jurisdictions known for awarding plaintiffs with extremely generous amounts.
- ▣ States that defendants can only be responsible for the economic damages beyond their percentage of liability if the jury determines them to bear at least 51 percent of fault, and the other defendant(s) cannot cover their part.
- ▣ Brings about a finer balance between liability and financial responsibility.



Sen. Nodler and Sen. Delbert Scott discuss the provisions of the tort legislation.

## Workers' Comp Reform Bill

Missouri enacted its workers' compensation law in 1925 to provide medical treatment and compensation to workers who were injured while on the job and to shield employers from being hit with expensive and unpredictable lawsuits by injured workers.

Rep. Steve Hunter was instrumental in getting this

workers' comp bill moving on the House side. The new workers' comp laws will help lower insurance premiums for Missouri businesses so they aren't forced to relocate to a different state.

### The legislation (SB 1):

- ▣ Requires that work be "the prevailing factor" rather than a "substantial factor" in the injury for the worker to receive compensation.
- ▣ Does not compensate for injuries incurred while traveling to or from work, or while the workers are legally drunk.
- ▣ Charges anyone who falsifies workers' comp claims with a Class D felony.
- ▣ Reduces the amount workers can collect if they are injured while in violation of safety regulations.
- ▣ Prevents "get-rich quick" schemes by limiting the amount lawyers can collect.



# Senator Nodler's Additional Legislative Success

## HB 576—Small Business Board

Small businesses are driving Missouri's economic recovery. Legislation handled by Sen. Nodler modifies the law relating to the Small Business Regulatory Fairness Board, of which he is a member, and the procedures necessary for obtaining judicial review of administrative decisions.

The Small Business Regulatory Fairness Board, which was created last year, is now required, rather than allowed, to provide state agencies with input regarding proposed rules, conduct hearings and solicit input from regulated small businesses.

The board acts as a go-between for small businesses and state agencies and provides small-business owners with a greater voice on the rules that regulate them.

## SB 122—Energy Efficiency Act



When the state completes an energy-efficient project for capital improvements, it saves money.

This legislation allows a portion of that savings to be put into a reserve fund to go toward future energy-efficient projects, which will encourage project planners to think in terms of energy-saving ideas.

## SB 149—Back-Pay Process

This act revises the process of receiving back pay for certain state employees.

When a state employee in the merit system is dismissed, demoted or suspended, and is then reinstated after a hearing process, this legislation makes it easier for the employee to receive back pay for the time lapse in employment.

## HB 353—Omnibus Crime Bill

For the first time in several years lawmakers passed an omnibus crime bill. An amended provision that Sen. Nodler co-sponsored protects an inalienable privilege for citizens of the United States—the right to vote.



This legislation prevents non-U.S. citizens from diluting the value of the right to vote by requiring that voting registrants show proof of U.S. citizenship.

Among its other provisions, the measure also forbids individuals charged with federal crimes to run for elected office in Missouri, subjects prisoners who cause others to come into contact with bodily fluids to a Class D felony and charges people who refuse to identify themselves during traffic stops with the crime of "failure to provide identification."

## SB 394—Reporting Requirements

This act reduces the amount of data that the state treasurer must compile on financial institutions in which the state invests funds. The change saves taxpayers thousands of dollars each year.

## HB 568—Child Protection

This bill, sponsored by Rep. Bryan Stevenson, was handled in the Senate by Sen. Nodler. The measure prohibits courts from returning children to homes in which the parents have been convicted of certain sexual offenses.

## SB 38—Highway Designations

With the help of Rep. Marilyn Ruestman, Sen. Nodler's act redesignates a portion of I-44 as the "Congressman Gene Taylor Highway," includes within the George Washington Carver Memorial designation a portion of U.S. Highway 71 and designates a portion of State Route V as the "Carver Prairie Drive."

# Even More 2005 Significant Legislation

## SB 73—Sex Offenders

To help people identify potential child predators, SB 73 allows county law enforcement offices to publish photographs of registered sex offenders online.

Photographs are not considered public record, but this bill makes an exception in the case of sex offenders.

## SB 74—Mercury Shots

We passed SB 74 to protect young children and pregnant women from the potential dangers of mercury, which is used



as a preservative in some immunizations.

The bill prohibits the administering of immunizations containing more than trace amounts of mercury to children less than 3 years of age and pregnant women.

The new law does not take effect until April 2007.

## SB 402—Underage Drinking

To close the loophole in Missouri's current law that enables minors to escape legal prosecution if they drink, as long as they do not get caught, we passed SB 402.

Under the measure, any minor who is visibly drunk or has at least a .02 blood-alcohol content level is guilty of a misdemeanor.

Parents allowing minors other than their own children to drink on their property would be subject to a Class B misdemeanor, and anyone who makes or sells fake IDs will be guilty of a Class A misdemeanor.

## SB 10—Anti-Meth

SB 10 aims to reduce meth production in Missouri by limiting how much medicine containing pseudoephedrine, the primary ingredient in meth, that customers can buy.

The bill requires that those medicines in tablet form (not gel-cap or liquid) be distributed only by pharmacists or licensed technicians.

### Other issues we dealt with:

**Conceal Carry**—allowing costs of concealed weapon permits to be covered by county sheriffs.

**Defense**—creating Missouri Military Preparedness and Enhancement Commission.

**Drug War**—criminalizing prescription-sharing on school property.

**Environment**—reviving 50-cent-per-tire fee to help clean up used tire dumps.

**Finance**—expanding state loan program lending resources from \$360 million to \$720 million.

**Jobs**—providing incentives for businesses looking to relocate to, or expand in, Missouri.

**Mediation**—creating a process to resolve disputes over alleged residential construction defects.

**Parks Funding**—resubmitting parks and soils tax to voters every 10 years, beginning in 2006.

**State Retirement**—ending practice of certain state employees receiving pensions for as little as one day of work.

**Sales Tax**—making an annual three-day state sales tax holiday.

**Tax Relief**—easing application/expanding eligibility for Missouri Homestead Preservation Act.

**Theft**—allowing free replacement of up to four stolen license plate tabs each year.

**Utility Rates**—enables utility companies to more easily recover added energy costs.

## GUBERNATORIAL APPOINTMENTS



Richard D. Schooler, D.O., was appointed to the State Board of Registration for the Healing Arts.



K'Alice Breinig, R.N., was appointed to the Missouri State Board of Nursing



Joncee L. Nodler was appointed to the Public School Retirement System of Missouri Board of Trustees.

