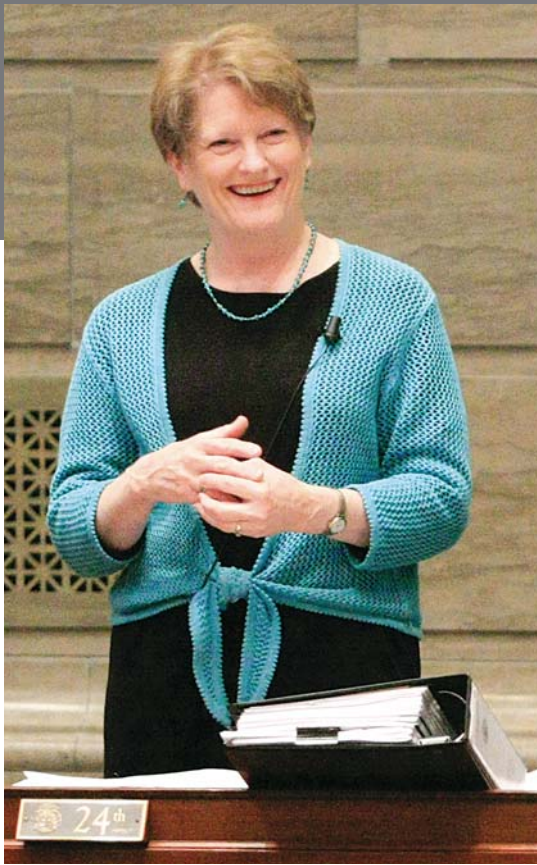


State Senator

# Joan Bray

Serving the People  
of the 24<sup>th</sup> District  
in the Missouri Senate

## 2009 End-of-Session Newsletter



Dear Friends,

Once again I am reporting to you on the work of the Missouri Legislature in the First Regular Session of the 95<sup>th</sup> General Assembly, which took place from January 7<sup>th</sup> until May 15<sup>th</sup>. Every session is unique; this year's was largely characterized by the results of the General Election last November.

In January, Missouri inaugurated a new governor. While the governor and the legislative majority are of different parties, they agreed early on to work together for the good of Missourians. Everyone pretty much stuck to this spirit of bipartisanship throughout the legislative session.

The Senate spent many hours debating bills on topics such as health care for poor working parents, utility policy and the judicial selection process, which has no clear majority favoring any one proposal. As a result, no major changes were adopted in these areas. Next year's session – and any significant legislation – will be affected by the elections looming the following November.

Again, I thank you for the opportunity to serve as your senator in the 24<sup>th</sup> District. The session in 2010 will be my last under term limits. I hope you will be in touch with my office in the Capitol or the district if my staff or I may be of help to you.

Regards,



Jackie  
Rost

Admin.  
Aide



Ellie  
Glenn

Legislative  
Aide



Tracy  
McCreery

District  
Aide



Korey  
Lewis

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## Utility Regulation: Senate Bill 228

The bill that received the most attention this session from the news media, advocacy groups and, thereby, the public, was a proposal to allow our privately owned electrical provider in the 24<sup>th</sup> district to bill electricity customers during construction for the financing costs of building a second reactor at its Callaway nuclear plant. A law passed by voters in 1976 currently makes utilities wait until power plants are providing power to customers before charging them.

While a bill that would have simply removed the 1976 law, known as the Construction Work In Progress law, or CWIP, would probably have drawn minimal opposition, the bill filed would have also significantly reduced the power that the state's regulatory body, the Public Service Commission, has over utility companies. The debate raged in the Senate as well as over the public airwaves in ads by this particular utility company and ads by a group of industrial consumers. With a couple of weeks left in the session, the utility company announced it no longer was urging passage of the bill.

As a member of the Commerce, Consumer Protection, Energy and the Environment Committee, I attended the four-hour hearing on the bill and tried to stay on top of the multiple versions as they surfaced. The bill passed out of committee on a 6-4 vote. I voted against the bill for several reasons. It shifted the risk of building a huge nuclear power plant from a utility company's owners to its customers. It stripped the Public Service Commission of its power to regulate the plant's construction or the cost to the consumers. Nothing was presented documenting the need for such an enormous new power plant when the full extent of conservation and alternative energy sources have yet to be explored. It is irresponsible to expand nuclear power when no effective means of disposing of nuclear waste has been developed. And, significantly, the bill would repeal the CWIP law, passed by Missouri voters. I will not be surprised if some version of this bill gets filed again next year.



Senator Bray debating consumer advocacy on the floor of the Missouri Senate.



Senator Bray and Sen. Jolie Justus together in the Senate chamber.

## Real ID: House Bill 361

The federal Real ID Act of 2005 was a measure passed by Congress that would require states to collect and verify specific citizenship information and place it in a traceable microchip within a person's national identification card. Supporters of this measure say that it protects Americans from those that would seek to hurt them — such as identity thieves and terrorists.

On the other hand, it can also be viewed as a severe violation of constitutional privacy rights. Like other driver's licensing and identification bills that have been proposed in the Missouri Legislature in the past few years, the Real ID Act could also prohibit citizens who do not have driver's licenses from being able to vote.

Because of the potential hazards of the Real ID law, I supported House Bill 361, barring the Missouri Department of Revenue from changing any of its procedures to comply with the federal Real ID Act of 2005. The bill passed both the House and Senate and was signed by the governor on July 13.



# Transportation

## Construction: I-64 Project

Residents of the southern portion of the 24<sup>th</sup> District have been exceedingly tolerant and good-willed as the rebuilding of Highway 40/Interstate 64 proceeds. The lives of these neighbors have been significantly disrupted by the noise of construction and changes in traffic patterns — particularly the closing of the Big Bend and Hanley bridges at the same time.

MoDOT is now six months into the second phase of the project from Interstate 170 to Kingshighway and is scheduled to be finished by Dec. 31, 2009. Much like the first phase of this project, contractors for the second phase have been given both incentives and disincentives for their productivity. For every day a specific portion of the project runs over the agreed-upon finish date, the contractor is fined up to \$24,300 per day. On the other hand, the contractor can also receive a bonus based on finishing the overall phases of the I-64 project on schedule. If the financial motivators work as intended, the residents of our district will see the completed project in time for the new year.

Thanks again for the resilience of these nearby residents on behalf of the rest who use this thoroughfare in the heart of the St. Louis region.

## Rail Funding — At Last!

For 15 years of my legislative career, I have been involved in regional efforts to improve our country's passenger rail system, largely run by Amtrak. This has been in cooperation with successive administrations that have chosen to maintain the Amtrak service that runs two round trips a day between St. Louis and Kansas City.

Finally, our advocacy has paid off. Last year, Congress appropriated \$30 million for states to improve their rail system. Of that, Missouri received \$3.3 million, which we matched with \$5 million, for track work west of Jefferson City.

This year the president's administration is funding \$8 billion to the states through the American Recovery and Reinvestment Act for improving, extending and rebuilding passenger rail service. Missouri has applied for almost \$200 million to be used in partnership with a major rail corporation that owns the tracks to upgrade the existing rails and right of way.

We have found the public to be highly supportive of the state's efforts for passenger rail service — demonstrated by the growing ridership of even meager service within Missouri.

## Motorcycle Helmets: Senate Bill 202

After many years of trying, opponents of Missouri's motorcycle helmet law were successful this session in

passing a bill to repeal the requirement. On July 2, the governor vetoed the bill, primarily citing safety statistics in states after the helmet requirement had been repealed.

The helmet provision was successfully amended to a bill stating that the operation of a motorcycle, in and of itself, was not grounds for fault in case of an accident, which is current Missouri law. It also allowed people at least 21 years old who were not traveling on interstate highways to not wear a helmet while riding a motorcycle.

After the legislative session ended, vociferous advocates on both sides of the helmet law urged the governor to sign or not sign the bill. Those of us like me — who believe riders should wear helmets — point to the data showing significantly more serious injuries of riders when helmets are not required. Nationally, one academic study estimated that the total cost to treat motorcycle accident victims who were not wearing a helmet is \$250,231,734 a year more than the cost of treating victims who were wearing a helmet [*"Economic Impact of Motorcycle Helmets: From Impact to Discharge, Journal of Trauma-Injury, Infection & Critical Care, 2006*].

Furthermore, many such seriously injured people become the responsibility of the state because of this huge cost of their care. According to the National Highway Traffic Safety Administration, after the Florida helmet law repeal, 16 percent of injured motorcyclists admitted to a hospital for treatment were either under-insured or uninsured, and the costs for another 21 percent of those admitted were billed to either charitable or public sources, such as state Medicaid.

Though opponents of helmets pooh-poohed these kinds of statistics and said nothing should impede their freedom to decide not to wear a helmet, the governor did in fact veto the legislation.



Young St. Louisans, Ben, Aaron and Beatrice, visit the Senate Chamber.

## Persistence to Graduation: Senate Bill 291

This year, I was able to attach an education program (a bill I have filed for the past few years) to the omnibus education bill, Senate Bill 291. Called *Persistence to Graduation*, the program intends to reduce the number of high school dropouts in low-income school districts with high dropout rates.

Once the program is funded, the Department of Elementary and Secondary Education could seek proposals from the targeted school districts that outlined a holistic approach to drop-out prevention. This would include strategies such as community collaboration with the school district, increased accountability measures, and the implementation of basic



Senator Bray with the Chaminade Red Devils Basketball Team, with coach Kelvin Lee. The team won the 2009 Missouri Class 5 State Championship Title.

early intervention strategies, such as mentoring and tutoring, alternative schooling, career and technical education, and before- or after-school programming.

Senate Bill 291 also includes language that fixes an error in a proposition passed last year that repealed the casino loss limits and

provided extra revenue to public schools (ensuring that the money voters intended for schools to receive is properly distributed), makes it possible for school districts to adopt a four-day school week, and requires high school students to stay in school longer before they can drop out.

## Green Legislation: HB 734 & SB 376



Last year, Senate Bill 1181, which included several energy efficiency programs, passed in the final hours of the session. Unfortunately, in the haste in which it was passed, language I had proposed regarding stronger standards for energy efficient appliances was muddled. As a result, the tougher standards could not be enforced. This year the correct language was included in House Bill 734, a bill that originally placed new fees on fertilizer distributors. Now large energy guzzlers such as washers, dryers, and refrigerators sold in Missouri must either have the Energy Star designation or meet requirements set by the Missouri Department of Natural Resources.

This legislation also requires that any appliance purchased with state monies must have the Energy Star rating, unless the cost of the appliance is deemed to be more than the predicted energy savings it would produce.

Another piece of green legislation that passed this year was housed in Senate Bill 376. This bill allows electric companies to recover costs associated with their investment in energy efficient technology, as long as it is proven to be the most cost-effective solution possible. Through this program, utilities have a better incentive to plan and implement energy efficient programs for their customers across Missouri, benefiting everyone.

Senator Bray discusses important issues with her colleagues on the floor of the Missouri Senate.

# Gubernatorial Appointments: Becoming An Active Voice In State Government

Boards and commissions are designed to give citizens a voice in their government and provide a means of influencing decisions that can shape the quality of life for the residents of their district and our state. Participation on a board or commission is one of the most effective steps a citizen can take in becoming an active voice in government.

Missouri has more than 200 boards and commissions to which our governor appoints citizen members. Appointees are responsible for advising the governor, lawmakers in the Senate and House, and state agencies. You can find a complete list of boards and commissions on the governor's website ([www.governor.mo.gov/boards](http://www.governor.mo.gov/boards)). On this page, you will find residents of the 24<sup>th</sup> Senatorial District who were appointed to serve on a state board or commission in 2009.



**Susan McCray Armstrong**  
Safe Drinking  
Water Commission



**Lee A. Bascom**  
Commission on Autism  
Spectrum Disorders



**Margaret T. Donnelly**  
Department of Health and  
Senior Services, Director



**Phillip Dressel**  
Missouri Wine  
and Grape Board



**Susan Eckles**  
Planning Council for  
Developmental Disabilities



**Shera Kafka**  
Child Abuse and  
Neglect Review Board



**Dena Ladd**  
Children's Trust  
Fund Board



**Ronald J. Levy**  
Department of Social  
Services, Director



**John F. Mantovani**  
Commission on Autism  
Spectrum Disorders



**Randall J. McArthur**  
Community  
Service Commission



**Florence T. Pullen**  
Child Abuse and  
Neglect Review Board



**Eric Rhone**  
Tourism  
Commission



**Kimberly D. Whittle**  
Child Abuse and  
Neglect Review Board

Reappointments include: Richard Frueh, Dam and Reservoir Safety Council; Phillip Gould, Seismic Safety Commission; and Gerald Zafft, Missouri Family Trust Board of Trustees.

## Missouri's Budget

Budgeting for the Missouri state government for the fiscal year that runs from July 1, 2009, until June 30, 2010, presented some new and difficult challenges for both the governor's administration and for the legislative budget process. With the national recession in full effect, the state faced a \$265 million shortfall in general revenue. That would have meant deep cuts to the services and programs that rely on the income tax and sales tax — primarily elementary and secondary schools, health care, mental health care, and prisons. When the federal government announced its plan to send billions of dollars to state governments to stabilize their budgets and to stimulate the economy we were faced with new challenges.

Fortunately, the Senate Appropriations Committee kept a cool head and determined to budget the money as intended so that Missourians would not have to suffer a dramatic reduction in services, but with the full knowledge that if the economy doesn't rebound in the next two years, cuts will have to be made. Meanwhile, the House Budget Committee programmed the federal money a little differently. When the Senate and House committees met in conference, the outcome of the budget looked more like the Senate's plan.

A basic breakdown of the state's budget among the departments is



CORO Fellows Art Rayes and Abigail Baum visit their State Capitol to get an inside look at the legislative process.

pictured on the next page.

### Federal Budget Stabilization Funds

Federal Stimulus Funds in the American Recovery and Reinvestment Act are directed to specific uses. In many instances, the amounts are simply increased funding for existing federal programs. In many cases, the state merely passes the money through to the final users, such as a city or county.

Federal Budget Stabilization Funds generally had few restrictions and could be used for most anything the General Assembly chose. Of the total \$2.197 billion Missouri expects to receive in stabilization funds over 27 months, \$1.227 billion will go to match state Medicaid funding at a higher percentage, and \$920 million will go to education.

For the Fiscal Year 2010 budget that started July 1, Missouri appropriated \$1.258 billion in stabilization money and the governor used \$250 million to pay tax refunds. Of that total, \$783.3 million was appropriated in the operating budget, with \$711 million in on-going programs, such as Medicaid and education, including elementary and secondary education and higher education.

Several programs and organizations received federal stimulus money through House Bill 22, including \$12 million for St. Louis Metro, \$9.3 million for planning, design, construction, and improvements at Bellefontaine Habilitation Center, and \$500,000 for an outreach program for high school dropouts in St. Louis.

### Federal Stimulus Spending

For the fiscal year that ended June 30, 2009, Missouri appropriated \$136.5 million in stimulus money for highway uses in House Bill 14, and appropriated \$93.3 million for various projects and services in



As the ranking Democrat serving on the Senate Appropriations Committee, Sen. Bray and Sen. Gary Nodler (chair) discuss the state's budget on the Senate floor.

House Bill 15.

For FY 2010, Missouri appropriated \$2.411 billion in stimulus money in House Bill 21. This included \$695.9 million for highways; \$256.9 million to local school districts for special education programs; \$215.8 million through the federal Title 1 education program to local school districts for disadvantaged students and school improvement; \$225 million for broadband technology; and \$227.7 million for weatherization and other energy efficiency projects.

### Line-Item Vetoes

Because the state's revenue is coming in lower than the projections made earlier in the year, in late June the governor announced vetoes of \$105 million (\$5.8 million in general revenue, \$83.8 million in federal budget stabilization funds, \$10.6 million in federal funds, and \$4.8 million in various other funds).

That total included \$33.8 million vetoed from the operating budget (HBs 1-13), and \$82.2 million from the capital improvements budget (HB 22).

Some of the largest vetoes included \$24.7 million to reduce funding for a statewide interoperability radio system from \$111 million to \$87 million; \$16.5 million for various higher education projects; \$12.6 million for the prepayment of incentives to farmers for ethanol production; and \$5 million for community college maintenance and repair.

## Health Care: HB 11 & SB 306

The governor proposed, and a majority of senators agreed, that the state should ensure that more poor working Missourians have health care. Unfortunately, members of the House majority party foiled the effort.

The debate played out in the budget process and legislation. House Bill 11, the budget bill for the Department of Social Services, contained funding and language to add health care for 35,000 low-income working parents — **at no cost to the state**. One of the major health care stakeholders had agreed to redirect approximately \$52.6 million in Federal Reimbursement Allowance

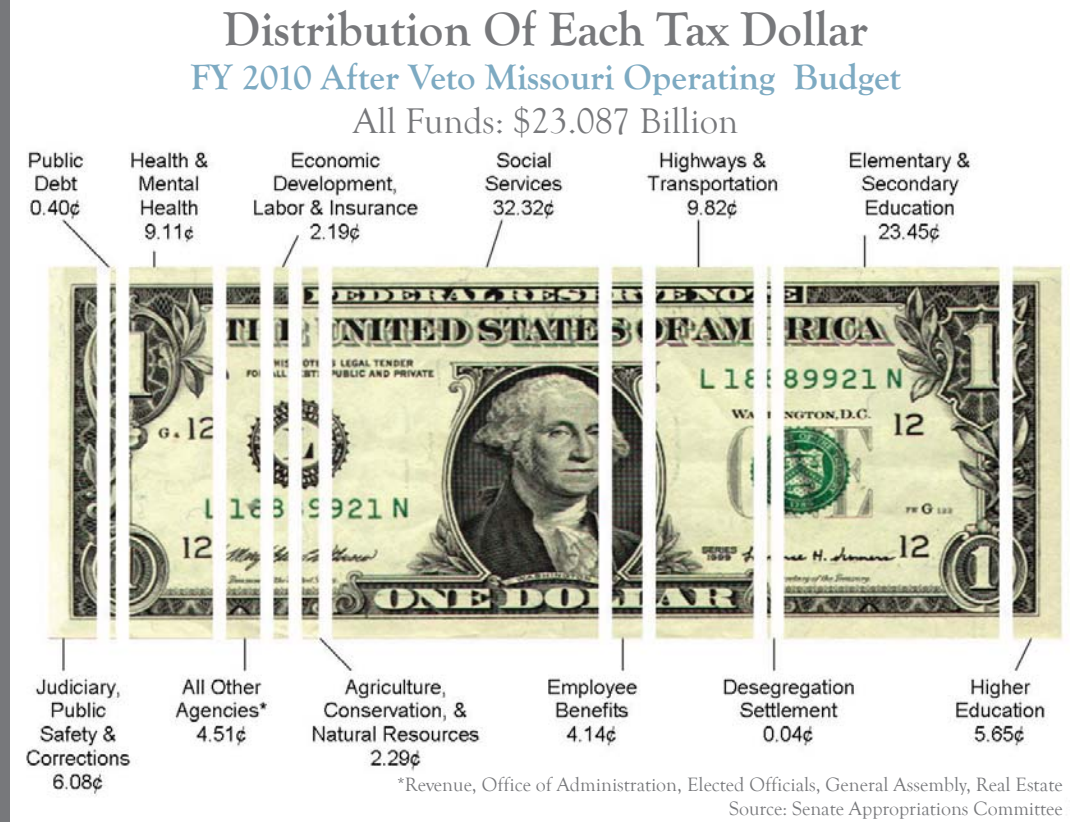
(FRA) funds to draw down an additional \$94.3 million in federal funds to fund health care coverage for approximately 35,000 uninsured parents. The redirection of these funds would have addressed a portion of the uncompensated care provided by hospitals in the emergency room for this population group. The plan had the support of not only the governor and senators, but also major business groups. Nevertheless, House majority members refused to go along. They prefer the status quo — which denies health care to a single working parent with two children who makes more than \$392 a month. They claim these “able-bodied adults” should be able to buy health insurance on their \$4,700-a-year income.

A further attempt was made to insure at least a portion of the poor working parent population through a new program proposed in Senate Bill 306. But that plan also fell victim to the House majority naysayers. Therefore, Missouri’s uninsured population continues to grow — 729,671 at the latest count — and further shifts the cost of providing health care in the emergency room onto the insured population.

## Jobs and Tax Credits: HB 191

With Missouri economic development and job creation pushed by the governor and legislative leaders from Day One of the session, the actual bill ended up passing on the last day. The bill left the House early in the session in fairly simple form — but in the Senate it became a series of contentious versions that

## A Basic Breakdown of the State’s Budget



sought to make major changes in tax credit programs, pitting senators who wanted to cut back on tax credits — in particular by capping the Historic Preservation Tax Credit Program — versus senators who wanted to appropriate tax credits through the annual budget process versus senators who didn’t want to mix the tax credit debate with the job creation intention of the bill.

With only a few hours to go, a compromise passed that put a fairly generous cap and exemptions on the Historic Preservation Tax Credit Program but pretty much left smaller programs intact. The bill also increased the amount available for the Quality Jobs Program to \$80 million in credits from \$60 million. Qualifying businesses that hire new employees for at least average wages and provide health benefits may be awarded the credits.

Among other provisions, the bill limits the tax credits that can be approved annually by the Missouri Development Finance Board and increases eligibility and funding for state pre-employment job training incentives. House Bill 191 was signed into law by the governor on June 4.



During a press availability, Sen. Bracy discusses the importance of a fiscally responsible state budget.



State Senator  
**Joan Bray**

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## Additional Information:

To find out more about the legislation mentioned in this newsletter, please visit [www.senate.mo.gov](http://www.senate.mo.gov), and then click on Session Information.

Here you can read more about measures passed by the General Assembly (Truly Agreed Bills), find out what bills were signed or vetoed by the governor (Governor's Action on Truly Agreed Bills), and see a complete list of bills that were filed during the 2009 legislative session (List of 2009 Senate Bills).

“

We risk young people in our state going through unintended pregnancies or contracting sexually transmitted diseases because others are afraid of teaching responsibility and common sense.

”



Senator Bray continues to be a strong advocate of *Prevention First* in the Legislature.

## Prevention First: Senate Bill 329

For numerous years now, I have been the lead sponsor on a bill that would reduce the number of abortions in Missouri. Senate Bill 329 addresses pregnancy, sexually transmitted diseases and abortion in our state.

My bill, through proven means, would:

- Provide comprehensive, medically accurate sex education in schools;
- Implement family planning services;
- Make available legal rights to contraception and to getting prescriptions filled;
- Provide emergency contraception in the emergency room for rape victims; and
- Administer expedited partner therapy, which would allow physicians to prescribe medications for partners of persons diagnosed with certain sexually transmitted diseases.

Unfortunately, my legislation, Senate Bill 329, did not even get a hearing this year as the forces in the Capitol that are against sex education and contraception control a majority of legislators.

Senate Bill 264 and House Bills 46 and 434 invented the crime of abortion coercion and proposed to change the informed consent law for abortions in Missouri by legislating in great detail what doctors had to tell their patients. Both bills failed in the final days of the session.