***This Week in the Missouri Senate* Script: SB 43**

This week in the Missouri Senate, we review another of the measures — relating to tort reform — that has been signed into law…

**Nat Snd 1 / Runs :06 / OC: up for perfection.**

*“Senator from Ste. Francois. Thank you, Mr. President. I move that Senate Bill 43 be taken up for perfection.”*

[Senate Bill 43](http://www.senate.mo.gov/17info/BTS_Web/Bill.aspx?SessionType=R&BillID=57095378) will modify the law relating to unlawful discrimination when it takes effect on Aug. 28.

On Jan. 14, sponsor — Sen. Gary Romine of Farmington — presented his proposal to the [Missouri Senate Small Business and Industry Committee](http://www.senate.mo.gov/SBIN/). He told them part of his bill includes issuing “right to sue” letters…

**Romine 1 / Runs :28 / OC: all over again.**

*“And, this is one of the frustrating things that I’ve seen as a business owner. On three different occasions, we’ve gone through the [Missouri]* [*Commission on Human Rights*](https://labor.mo.gov/mohumanrights)*. We done everything we could to resolve the issue and to work with the employee, and the commission would find no merit to the case. After the fact, then they would get a ‘right to sue’ letter from the commission, which would open it up all over again. One of the biggest problems is, we had the commission and they should have teeth, and their standing should mean something. But, all the discovery and all the expense that we went through, during that process is out the window and you have to start all over again.”*

Senator Romine adds he wants to give both sides every advantage…

**Romine 2 / Runs :23 / OC: from frivolous lawsuits.**

*“Provides that any party to any action filed under MHRA [*[*Missouri Human Rights Act*](https://labor.mo.gov/discrimination)*] has a right to jury trial. We want to make sure that this is a balance between the plaintiffs and the business owners and operators in our state, so that we can conduct business, but we know which parameters are going to be — that it has to be a serious accusation of any discrimination of any kind, so that the plaintiff has their day in court, as well as the businesses being protected from frivolous lawsuits.”*

Senator Scott Sifton of Affton wonders about “employer-employment agency, labor organization or place of public accommodation” language in the measure…

**Sifton 3 / Runs :22 / OC: of public accommodation.**

*“In terms of who can commit an unlawful discriminatory practice in-in one spot. Later — in that same section — the word ‘person’ is actually stricken, and the words that I just read in are inserted in its place. And, I guess, my question would be — I mean, certainly from an agency argument, an employer can be held accountable for the misconduct of their agents or employee; likewise, employment agency, labor organization or place of public accommodation. ”*

When Senate Bill 43 was first-debated on the Missouri Senate floor on Feb. 27, Sen. Jason Holsman of Kansas City mentioned this idea goes back to the tort reform measure of 2005…

**Holsman 4 / Runs :14 / OC: the legislative changes.**

*“Because, I came in the [Missouri] House [of Representatives] in January of 2007, and I can remember having this discussion since then — and, certainly, every year that we’ve been in the Senate. It’s been moving from contributing to motivating, in previous years, for the legislative changes.”*

Missouri senators are now preparing to return to the Capitol to continue work on [Senate Bill 5](http://www.senate.mo.gov/17info/BTS_Web/Bill.aspx?SessionType=S2&BillID=69407391), a measure that would modify several provisions relating to abortion. The Second Extraordinary Session of the 99th General Assembly began on June 12 and is set to resume next week.

And, remember, you can follow these and other issues facing the Missouri Senate by visiting our website: [senate.mo.gov](http://www.senate.mo.gov).

Reporting from the State Capitol, I’m Dean Morgan.