

2015 CAPITOL REPORT



SENATOR DOUG LIBLA 25TH SENATORIAL DISTRICT WWW.SENATE.MO.GOV/LIBLA

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This is YOUR State Capitol and as a legislator working in YOUR building here in Jefferson City, I'm honored to meet with citizens who stop by our office. My staff and I welcome all who visit our beautiful State Capitol and all that it offers.

Thank you very much for your letters, phone calls, and e-mails of support. I appreciate your interest in the legislative process. If there is a bill that you are passionate about, the best way to make a difference is by visiting your State Capitol and testifying at a committee hearing. We enjoy hearing from you; it makes a big difference!

**Proudly serving the citizens of Butler,
Carter, Dunklin, Mississippi,
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Stoddard counties.**

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The First Regular Session of the 98th General Assembly and annual veto session have concluded with major victories achieved on behalf of our state's citizens and businesses.

This year I was honored to be appointed Chairman of the Senate Transportation, Infrastructure, and Public Safety Committee. This committee is responsible for considering legislation regarding roads, bridges, airports, railroads, water port authorities and public safety.

Many days were spent this year addressing the condition and funding of the 34,000 miles of Missouri highways and thousands of bridges that are so important to the motoring public and economic development for our state and communities. The discussion repeated over and over again was the need for a dependable well-funded transportation system.

It was very interesting and educational traveling across Missouri in my third year as Vice-Chairman of the Agriculture Committee learning how diverse our Ag industry is and the impact it has on our citizens. Another highlight this year was being named Vice-Chairman of Small Business, Insurance and Industry. Having spent 44 years in business, I found this committee to be very captivating.

The Missouri Senate will reconvene in January and I look forward to continuing my service to you and the whole 25th District. Until then, I will be traveling the district, meeting folks and learning more about issues that matter to you. Please follow me on social media and my Senate website for the latest news.

CREATING THE DIVISION OF ALCOHOL AND TOBACCO CONTROL FUND

This session I also sponsored and am pleased to have seen the passage of Senate Bill 373. This legislation created the Division of Alcohol and Tobacco Control Fund (ATC) which will be used for the administration of liquor and tobacco laws and directs fees collected from liquor licenses and permits to the fund. The fund will receive 70 percent of the fees. Money in the fund can only be used by the ATC for the carrying out of liquor control laws and costs relating to licensing, training, and technical assistance. Senate Bill 373 received an overwhelming vote in the Missouri Senate (31-1) and House of Representatives (129-12) and was signed into law by the governor.

Over the last five years, budget cuts have drastically compromised the division's ability to manage our state's

alcohol and tobacco laws. The purchase and consumption of alcohol by minors is a big concern for me; too many young people have lost their lives or have been seriously injured because of easier access. The division collects about \$4.7 million annually in liquor licenses and fees. Previously, all of this was directed into general state revenues. By creating a dedicated fund we are restoring vital funding and empowering the division to execute their responsibilities for the safety of our citizens in Missouri.

Currently, there are five field agents responsible for the entire state and over 12,000 liquor licenses. On average, each agent would need to visit 2,460 accounts annually to cover every account/licensee. Under this new legislation, the division will add back

an additional 20 agents, reducing the average number of annual visits per agent to 492, which is more realistic.

The division is currently working to get all licensing and registration online, which will again improve services. If further revenue cuts and staff reductions had been required, it could have resulted in a reduction of compliance efforts of the division. Should enforcement be reduced totally to the local level, we would be left with a patchwork of regulation with every city or county having a different set of rules plus an unfunded state mandate.

With adequate staffing to assist with licensing, trade practice questions, underage retail purchasing, and other industry concerns, as well as improving the system for retailers and product suppliers, we can greatly improve our safety and business environment.

MORE ACCESSIBLE HEALTHCARE FOR ALL MISSOURIANS

In order to ensure access to quality medical care we need to rein in medical malpractice insurance rates that are forcing doctors to raise costs, perform fewer procedures, or be forced out of Missouri. By reinstating caps on non-economic damages in medical malpractice lawsuits, we will reduce incentives for frivolous lawsuits.

I was proud to support Senate Bill 239 becoming law, it creates a statutory cause of action for damages against healthcare providers. Because of the increase in frivolous lawsuits and growing punitive awards, malpractice insurance premiums have skyrocketed, forcing many doctors to flee to other states because it is simply too expensive to practice medicine in Missouri. For example, facilities in many rural areas can no longer offer OB/GYN services to their patients because these insurance premiums are too expensive for the smaller clinics to maintain.

In 2005, the General Assembly



Senator Libla welcomes award-winning Nashville recording artist Billy Yates and his family to the Capitol. Billy was raised in Doniphan, MO.

passed a tort reform measure that included placing caps on jury awards for pain and suffering in medical malpractice cases. However, in 2012, the Missouri Supreme Court struck down a portion of the 2005 law, removing the caps altogether. The court ruled that the state constitution prevented the Legislature from setting caps on these kinds of damages because they were not created by the Legislature through statute. Rather, they could be traced back to British Common Law as of

1607, which Missouri has adopted. As such, it was classified as an injury for which only a jury could determine damages, making the cap set by lawmakers unconstitutional. The new law specifies that these hard-to-quantify economic damages are, in fact, creatures of statute and may be limited by legislative action.

We need to support our medical professionals who provide Missourians the quality care they deserve. Senate Bill 239 reinstates caps on non-economic damages in medical malpractice lawsuits (two-tiered system) limiting personal injury settlements to \$400,000; and catastrophic personal injury/wrongful death to \$700,000. For doctors and other healthcare providers, this means lower medical malpractice premiums and a better work environment that will attract more medical professionals to stay and practice in Missouri. For patients, this means citizens will now have better access to quality healthcare at lower costs.

CREATING A LONG-TERM TRANSPORTATION POLICY

This year, I sponsored Senate Bill 540, a plan to create a long-term transportation policy for our state. Many citizens and groups testified in the Transportation Committee of the importance that highways and bridges make in their families lives and businesses.

Missouri has thousands of state bridges that are over 50 years old; 1,600 of them are over 75 years old! Almost 5,000 of these bridges are at, or past, their intended lifespan. The Highway 62/53 Bridge in Campbell was closed last year because of its deteriorating condition; Missouri Department of Transportation (MODOT) recently completed this replacement bridge. In Shannon County, what used to be an unlimited-weight bridge on Highway 19 was closed and a temporary bridge installed. This bridge is located along the only north-south route in the county. All bridges are inspected regularly in accordance to federal law, typically every two years. If a bridge has known problems, it is inspected more frequently and often becomes subject to closing instead of repair.

Motorists purchased approximately four billion gallons of gas and diesel fuel in Missouri in 2014. This amounts to almost \$800 million in federal fuel taxes being sent to Washington. We need, and can, get some of this back! For every state dollar we invest in our highways and bridges we can receive four dollars back from the federal government for



Senator Libla working on the Senate floor reviewing transportation legislation.

our state's construction needs, depending on the size and formula of the federal transportation bill. Some good news is that our state will meet the federal match for fiscal year 2017, but just barely. Scraping by each year to meet federal fund matching does not address Missouri's long range transportation needs. Further, the status of 2018 funding remains unclear. We have the seventh largest road system in the country, but rank 47th in state funding. Missouri's transportation future is uncertain and will remain so until stable, reliable long term funding is put in place.

Missouri is losing some of its best highway construction companies and highly skilled workers to states around us that are investing heavily in roads, and subsequently attracting our home-grown companies to build their highways and

bridges. Who is going to build our highways and bridges and at what cost?

Another big concern of mine - what company would want to locate or expand in Missouri if they don't have a reasonable assurance/expectation that our roads and bridges will be maintained and improved to meet their requirements both now and in the future? In addition, Missouri employees need to be able to, and deserve to, get to work safely and easily without detours.

Let me be very clear, I am not in favor of growing the size or scope of any government agency.

The downsizing that MODOT implemented over the last few years is very commendable. This has resulted in over \$600 million in savings through employee reduction and sale of under-utilized assets, which included heavy equipment. This money has been applied to the construction and maintenance of our roads and bridges. I am confident that the Highway Commissioners along with the Director of MODOT will adhere to this process by applying any new funds to our crumbling roads and bridges.

The continued neglect of adequate predictable funding affects the safety of our families and friends as well as our economic well-being. We have to get our "heads out of the sand" and bring our current 20th century funding to a level for 21st century needs.

PROTECTING BUSINESSES FROM GOVERNMENT OVERREACH

Senate Bill 18 was another important piece of legislation becoming law, which requires the Department of Revenue to notify businesses if there has been a change in the interpretation of sales or use tax laws that modifies which items of personal property or services are taxable. Notification is only required if the modification is not one that a reasonable person would have expected based on prior laws or regulations.

If the department fails to notify a business of the change, the business will not be liable for the additional taxes to be collected until the seller is notified. The waiver of liability will not apply to sellers that had prior notice or who have previously remitted tax on the property or service, which is the subject of the change in interpretation. Notification may be by mail, email, or secure electronic means of direct communication. The department is also required to update its website with information regarding modifications in sales or use tax law.



Senator Libla addressing the media at the annual end of session press conference.



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Left, Sen. Libla with the Highway Patrol doing community outreach in the 25th District. Right, Sen. Libla with Richard Deason, recipient of the 2014 Lieutenant Governor's Veterans Service Award, which recognizes Missouri veterans who provide exemplary volunteer service in their communities.



HOLIDAY SEASON

Family gatherings, great food, good laughs, inviting someone over to your home for the day who may otherwise spend the day alone; these things truly represent the American spirit. Identify someone who can't afford a good meal and supply it. This could be your neighbor, relative or just a fellow human in need.



longer with us. With the frantic pace of society, it is easy to overlook things that really matter.

Let's take special time this year to pray for our country. There are too many instances where we are losing our moral and patriotic compass, which has guided the United States

Personally, I am so thankful for my family. It is truly a blessing to sit down during this time and just visit. I greatly miss my family and friends who are no

of America for nearly 240 years. Lastly, please remember to pray for the safety of those who protect our freedom and security every day around the world and here at home. God Bless the USA.