



# Prestige + Powers

## *Strategic Government Relations*

### **The Powers Report**

*A Weekly Summary of Activities in Jefferson City*

#### **Cracking down on the drunks**

Gov. Jay Nixon made it clear this week he supports efforts to toughen Missouri's laws against driving drunk.

"The way we handle drunken-driving cases in Missouri is broken," he declared, offering his specific support for draft legislation that would:

- Require repeat offenders, those with blood-alcohol levels of 0.15 or higher (presumed intoxication level is 0.08), and drivers who refuse a breathalyzer to be charged in state court instead of municipal court, making cases easier to track.
- Enhance penalties for those that test 0.15 or higher. Someone is going to have to come up with a term for these folks.
- Make it a crime to refuse a breathalyzer. Currently, refusing this test results in the administrative revocation of a driver's license.
- Expand the use of ignition-interlock devices beyond repeat offenders to include the "0.15 & above crowd" and those who refuse the breathalyzer.
- Beef up the use of a tracking system for DWI offenders operated by the highway patrol.
- Prohibit the withdrawal of a DWI guilty plea upon completing probation under a suspended imposition of sentence.

As of this writing, the bill has not yet been filed. Rep. Bryan Stevenson (R-Joplin), the chairman of the House Judiciary Committee, has committed to sponsoring the bill.

Defense attorneys are already furrowing their brows over the proposal to make it a crime to refuse a breathalyzer.

"You have a right not to incriminate yourself," defense attorney Ryan Cole told KY3 News in Springfield.

Some other states do it, including Alaska, Minnesota, and Nebraska.

Another point to remember: anytime the governor signals that he wants a piece of legislation very, very badly, it's only natural for legislators to start to think about adding things to it that the governor might not otherwise be so excited about. The recent history of judiciary bills certainly supports the notion of an omnibus bill developing around the DWI issue. It's too early to know what those other things might be, but it's all part of the process.

As an aside, way back in the days before the ignition-interlock devices became useful, one state senator (we think it was John Schneider, but we can't be certain) said, "You'll never stop drunken-driving until you invent a car that won't run when you're drunk." Technology is moving us closer to that day. Watch this video here:

<http://www.youtube.com/watch?v=dV9LfD1CYhI> and this video here:

<http://www.youtube.com/watch?v=mP5IIIxkuDU>.

## **“Don’t tax you, don’t tax me, tax that man behind the tree” – and the guy on the Internet**

The Senate Appropriations Committee started public hearings this week, taking input from the public about spending priorities. Usually, this is a parade of folks asking for funding increases. This year, it was a parade of people begging not to be cut.

More than \$690 million has already been cut or withheld by Gov. Nixon from the current budget and with the economy in the tank more cuts are expected for the FY11 budget.

“There is a reality that there will be cuts across the board at levels we haven’t seen in decades,” noted Sen. Kurt Schaefer (R-Columbia).

And there’s no real appetite to raise taxes, either. “I don’t anticipate there will be any tax increases this session,” said Sen. Rob Mayer (R-Dexter), chairman of the Senate Appropriations Committee.

Mayer is willing, though, to at least research the idea of applying sales taxes to Internet sales. It’s estimated the state loses about \$200 million a year by not directly taxing Internet transactions.

## **It’s baaack – the tax credit debate**

Sen. Jason Crowell (R-Cape Girardeau) plans to make another run at requiring all tax credits to go through the appropriations process. In a nutshell, he wants tax credits treated the same as expenditures for other government programs, rather than the “entitlement” status he says they currently enjoy. That way, tax credits that can’t garner the support of enough legislators could be cut.

In an interview with the Tax Foundation, Crowell points to a couple he’d probably do away with -- \$5 million for sausage casing manufacturers and \$25 million for a practice facility for the Kansas City Chiefs (though no one doubts the Chiefs need lots and lots of practice).

You can listen to a podcast of the Crowell interview here (it takes about 12 minutes): [http://prestigepowers.com/Crowell\\_Podcast.mp3](http://prestigepowers.com/Crowell_Podcast.mp3).

## **Buy a house and the state might pay your property taxes**

The Missouri Housing Development Commission – which usually issues tax credits to support construction of affordable housing projects – is considering using \$15 million in reserves to launch a temporary program aimed at boosting home sales.

If you fit the income guidelines and buy a home in 2010, the state would pay the property taxes the first year up to \$1,250. Throw in some Energy Star appliances and the state might kick in another \$500. All of this would be on top of the federal tax credits for certain buyers.

“We want to do everything feasible to encourage people to buy homes,” Gov. Nixon stated.

But the president of a St. Louis group that provides mortgage counseling, Chris Krehmeyer, told the *St. Louis Post-Dispatch* the whole thing strikes him as kind of strange. “We’re not seeing folks who are buying homes saying, ‘I wish someone would pay my taxes next year.’ People are saying, ‘I need help to stay in the home I own.’”

It’ll be interesting to see how many homeowners, given the down economy, will fall delinquent on their property taxes this year. The tax collection season is in full swing right now.

## **“Cape & Trade is dead”**

That was a tweet this week purporting to quote Sen. James Inhofe (R-OK) who also predicted the cap & trade bill under consideration in the Senate doesn’t have 25 votes. All of

this is a follow-up to the stolen e-mails and other documents pointing to possible data tampering and other unsavory tactics by many of the scientists behind the global warming “consensus.”

Also this week, the Environmental Protection Agency issued an “endangerment finding” declaring carbon dioxide and other greenhouse gases to be dangerous pollutants. It was expected by many that such a finding, backed up by the threat of tough EPA regulation, would give a boost to the Senate to act on the cap & trade bill as a more palatable alternative.

It looks like the EPA action has had the opposite effect: one unnamed industry source was quoted in today’s *Wall Street Journal*, “The Obama administration now owns this political hot potato. If I’m Ben Nelson or Kent Conrad, why would I want it back?”

What does this have to do with Jefferson City? Earlier this week there was a meeting of the Missouri Energy Task Force, a group formed by an executive order issued by former governor Matt Blunt. The chairman, Rep. Ed Emery (R-Lamar), made several references to the so-called “Climategate” scandal and wondered if some of the actions pointing Missouri down the road toward alternative energy sources might have been made as a result of bad science. It’s clear the incident will weigh on such debates in the future.

If you’re interested, and you have about 90 minutes on your hands, you can watch an archived video of the energy task force meeting here: <http://bit.ly/53MzXw>. The guy on the phone leading the meeting is Rep. Emery.

As to the EPA finding, this is the most likely path: the EPA will issue regulations; the business community will sue to make them weaker; the environmentalists will sue to make them stronger. Environmental law would be a good specialty right now.

### **Another ethics bill on the way?**

The House Republican Caucus met in Jefferson City this week. Among the topics discussed behind closed doors: ethics. Last week, we analyzed for you the bill filed by Sen. Charlie Shields (R-St. Joseph).

According to some of the caucus members, Majority Leader Steve Tilley plans to file a bill soon that will ban all gifts to legislators, require a waiting period for former legislators to become lobbyists, and ban the practice of operating a political consulting business while in office. We’ll have a full analysis once the bill is filed.

### **Speaking of bills...**

After filing 256 bills and 15 constitutional amendments last week, only 36 bills and 4 constitutional amendments were filed this week. Here are some of the more interesting items:

- HB 1322 sets campaign contribution limits. So do HB 1326 and HB 1337.
- HB 1324 prohibits members of the General Assembly from accepting anything of value from a lobbyist.
- HB 1332 bans motorcycle stunt driving.
- HB 1342 requires certain restaurants to post the calorie contents of food items.
- HB 1347 adopts the Uniform Planned Community Act. The UPCA is a set of statutes that establish a formal relationship between those who develop real estate and those who purchase real estate that includes with it common elements for which the lot owners are to be assessed for maintenance, repairs, insurance and replacement.
- HJR 52 & HJR 53 restrict or, in some cases, repeal eminent domain.

**Does the “cold weather rule” need updating?**

Tragedy struck in Columbia this week. A 30-year-old man died of hypothermia in his home, where the electricity had been shut off for non-payment since September 30.

The “cold weather rule” forbids utilities from shutting off the power when the temperatures are very cold, like they were this week. But, in this case, the power had been off for quite a while. The law doesn’t speak to situations like this one.

**New Lottery director**

The Lottery Commission this week hired a former legislator to run the show – May Scheve Reardon. She used to represent part of St. Louis County in the Missouri House. She also served for a time as the head of the Missouri Democratic Party.

**Quote of the Week**

Sen. Jane Cunningham (R-Chesterfield), on her proposal to allow Missourians to opt-out of any mandatory federal health care law, which is also being filed in several other states: “This will set up a showdown on states’ rights in the U.S. Supreme Court, and I say bring it on!”

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