

The Missouri House of Representatives
2011 Legislative Survey



STATE REPRESENTATIVE
TOM SHIVELY

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CAMPAIGN CONTRIBUTION LIMITS

In 1994, 73.9 percent of Missouri voters approved a ballot measure imposing limits on the amount of money individual donors could give to candidates for public office per election. On the last day of the 2008 legislative session, the General Assembly repealed those limits, which had been \$1,350 for a candidate for statewide office, \$675 for a Senate candidate, and \$350 for a House candidate.

As a result, during the 2008 and 2010 general elections, donors were free to give unlimited amounts to candidates. Many donors gave individual candidates in excess of \$100,000, with at least one donation topping the \$1 million mark.

12. Should the legislature reinstate campaign contribution limits?

VOTER 1 YES NO NO OPINION

VOTER 2 YES NO NO OPINION

OTHER COMMENTS OR CONCERNS: _____

CORPORATE FARMS

Many Missouri counties have local health ordinances that prohibit large concentrated animal feeding operations. Advocates of local control say individual communities should decide whether to allow concentrated animal feeding operations (CAFOs), which often yield massive amounts of animal waste and foul odors. Corporate farming interests say Missouri should have a single statewide standard governing CAFOs instead of the current patchwork of local ordinances.

13. Should Missouri establish statewide regulations that bring consistency to rules governing CAFOs?

VOTER 1 YES NO NO OPINION

VOTER 2 YES NO NO OPINION

The MISSOURI HOUSE of REPRESENTATIVES

Legislative Survey of District 8

State Representative **TOM SHIVELY**



Dear Neighbor,

As the 96th session of the General Assembly unfolds, I am mindful of the seriousness of the issues facing the nation and this state. Seldom has the government needed the active involvement of citizens as it does today.

While many legislative proposals have yet to be brought to the table, pre-filing and filing of some bills indicate action will likely be taken on issues addressed in this questionnaire. As I look into the numerous pros and cons of the various options, I humbly request the benefit of your knowledge and experience.

I need to hear how you, your family, your business or your community will be affected. When the final vote is taken on legislation discussed in this survey, I want to say with confidence that my stand reflects the will of my constituency and the best interests of our district.

Tom Shively

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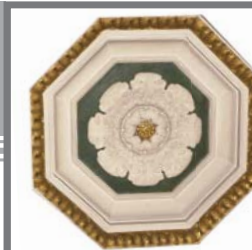
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Please fold on dotted line to mail back to me.

Respondent Return Address (optional)

If you would like to receive special updates via E-MAIL, please include your e-mail address below.

REPRESENTATIVE **TOM SHIVELY**
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JEFFERSON CITY, MO 65101-6806



Shown above is one of the many plaster rosettes decorating the ceiling of the House Chamber (below) in the Missouri Capitol.



RE-FOLD.
AFFIX 1ST CLASS
POSTAGE.
MAIL.



Answer the questions of your choice by marking the appropriate box or boxes.

SALES TAX COLLECTION

Missouri businesses are allowed to keep 2 percent of what their customers pay in state sales taxes if they remit those collections to the state in a timely manner. This costs the state about \$93 million a year in revenue. Roughly half of the states allow similar discounts, with Missouri's being the most generous.

Supporters of eliminating the discount say taxpayers expect that every dime they pay in sales taxes will go to fund government services, not into the pockets of private businesses, and that companies should have the same duty as other taxpayers to pay their taxes on time without reward.

Defenders of the discount say it encourages businesses to remit collections in a timely manner and helps offset the cost of collecting sales taxes.

1. Should Missouri eliminate the law that allows businesses to keep 2 percent of what their customers pay in state sales taxes?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

PAYDAY LOAN REGULATIONS

Missouri is one of the few states in which the payday loan industry is virtually unregulated. Payday loans are short-term, high-interest loans for relatively small amounts. Industry supporters say payday lenders provide an important service to customers who may need a few hundred dollars to pay bills or an unexpected expense but wouldn't be able to get such a loan from a traditional bank. Opponents say the industry preys on desperate, low-income customers who end up trapped in a never-ending cycle of high-interest debt and excessive fees.

2. Should Missouri regulate the interest rates and fees charged by the payday loan industry?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

TEACHER TENURE

Missouri, like the majority of states, uses a tenure system for public school teachers. Teachers who have been employed full time in the same school district acquire tenure at the beginning of their sixth consecutive year. Local school districts have no discretion as to whether to award or withhold tenure if requirements are met.

Proponents of tenure say that, because there is no objective way to evaluate teacher performance, tenure provides effective teachers with a necessary degree of job security and protection from the whims of the community and school administrators. They also point out that tenured teachers can be terminated for incompetence, inefficiency, immoral conduct, or a number of other reasons. They also point to the fact that Missouri's tenure requirement of five years of service is longer than that of most states, which typically is three years.

Opponents argue that tenure makes removing marginal teachers more difficult and that a different system is necessary to encourage teachers to excel in the classroom. They advocate a performance-based system.

3. Should the tenure system continue for public school teachers?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

SCHOOL CHOICE

In both the 2007 and 2008 legislative sessions, the House of Representatives defeated legislation to authorize tax credits for private donations for K-12 scholarships. Supporters say such legislation would enable students of failing public schools to be able to afford to attend private schools. Opponents say it would merely deprive public schools of much-needed funding and send taxpayer money to private schools.

4. Would such a scholarship program unfairly redistribute public dollars?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

An existing state law allows students in an unaccredited school district to transfer to any accredited school district they choose in the same or a neighboring county and requires their home district to pay tuition to the receiving district. In St. Louis County, accredited districts typically have refused to accept students from the unaccredited St. Louis Public Schools. In 2010, the Missouri Supreme Court ruled that the law gives the accredited districts no authority to turn away students from unaccredited districts.

St. Louis County districts argue that forcing them to take on additional students could lead to overcrowding and put additional pressures on local budgets. St. Louis Public Schools officials say that requiring it to pay tuition for potentially thousands of students to attend other school would leave it with inadequate revenue to educate those students who remain. Parents of some St. Louis students say their children deserve the chance to attend better schools as the law allows.

5. Should students of unaccredited school districts be allowed to transfer to nearby accredited districts, as permitted by existing state law?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

EXEMPT SCHOOLS FROM THE PREVAILING WAGE

Missouri law requires public institutions to pay workers engaged in a public work no less than the prevailing hourly wage. Some believe that this requirement raises the price of public works projects unnecessarily. They believe the increased costs are detrimental to public schools' bottom lines, especially those in rural Missouri, and make it more difficult to provide funding for quality services for students. They propose allowing a school board by majority vote to exempt the school district from paying the prevailing wage. Those opposed to an exemption believe the prevailing wage is necessary to attract qualified laborers, who will build safer buildings.

6. Should Missouri allow local school boards to decide whether the school district will pay prevailing wage on construction projects?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

INCOME TAX BRACKETS

Although Missouri's income tax structure contains 10 separate income brackets – the most of any state – nine apply to annual incomes of \$9,000 or less. As a result, the state has a de facto "flat" income tax with the overwhelming majority of Missourians paying the same 6 percent rate regardless of income. The federal government, by contrast, has a progressive income tax structure under which those with higher incomes pay higher rates and those with lower incomes pay lower rates.

7. Should Missouri adopt a more progressive income tax structure under which tax rates would vary by income?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

REPLACING THE INCOME TAX WITH A HIGHER SALES TAX

The General Assembly is expected to consider eliminating the state's income and replacing it with a substantially higher sales tax that would apply not only to the purchase of goods but also to all manner of services, which currently aren't subject to sales taxes. It is estimated that, to replace the lost income tax revenue, Missouri's statewide sales tax on 4.225 percent would have to be at least doubled and perhaps tripled, which would add substantially to the cost of goods and services.

Supporters of replacing the income tax with a mega sales tax say it would simplify the tax system and make tax evasion more difficult. Opponents say it would unfairly result in a tax cut for the wealthy and a tax increase for everyone else.

8. Should Missouri's income tax be eliminated and replaced with a substantially higher statewide sales tax?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

HEALTH CARE TAX DEDUCTIONS FOR HEALTH CARE COSTS

Under current statute, employer-provided health benefits are not taxed as part of personal income, in effect, providing workers a significant tax break. By contrast, individuals who purchase their own health care receive no tax benefits.

One proposed solution to this disparity would be to provide a tax deduction to individuals for money spent on purchasing health care. Proponents believe it would even the playing field by making health care more affordable to individuals who purchase their own coverage. Opponents feel the proposal would significantly decrease tax revenues and would not represent cost-effective health care reform.

9. Should Missouri allow income tax deductions to individuals who purchase their own health care?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

HEALTH CARE - "ANY WILLING PROVIDER"

The Missouri House has considered legislation that would allow patients more flexibility in choosing their health care provider. The plan is designed to allow persons who change insurance plans to keep their original physician regardless of whether that doctor is in the patient's new network. Known as "any willing provider" legislation, the bill would require health insurance companies to reimburse "non-network" physicians or other health care providers the same amount as reimbursed to in-network providers, as long as they meet the insurance company's terms and conditions.

Proponents argue that restricted networks limit patient choice and that their decisions are made based on cost rather than quality of care. Critics contend that the legislation limits a health plan's ability to choose the most effective provider and that it eliminates a health plan's ability to negotiate fees because there would be no guaranteed patient stream. Approximately 25 states have such laws in place already, and proponents of the plan say that insurance premiums in those states compare favorably to those in states without the law.

10. Do you support adoption of "any willing provider" legislation?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

ELECTIONS

PHOTO IDENTIFICATION TO VOTE

In the past few years, the Missouri legislature has debated amending the state constitution to require voters to show government-issued photo ID at the polls. Required identification would include a valid driver's license, non-driver photo ID, or a military ID.

Proponents say it is a nominal burden that will help prevent voter fraud and guarantee the integrity of elections. They also say voter turnout will not be suppressed because most people already have or could easily obtain the required ID.

Critics claim the measure would disenfranchise many voters and could be discriminatory. Elderly, poor or minority voters would be most affected because they are less likely to have a photo ID and often can't easily obtain the supporting government documents needed to get a photo ID because they have been lost or destroyed. Opponents also note that there never has been a case of voter impersonation reported in Missouri.

11. Should Missouri require voters to show government-issued photo ID?

VOTER 1 Yes No No OPINION

VOTER 2 Yes No No OPINION

CONTINUED ON BACK PAGE

Summaries and/or complete text of bills and resolutions introduced during this legislative session can be located on the Internet through: www.house.mo.gov/billcentral.aspx.