



2010

masw

legislative update



May 7, 2010

Caveat Elector

Legislative Malpractice, Unethical Ethics Bill

Senate Violates State Constitution with Anti-Health Care Referendum

It is fitting that the Missouri Senate engaged in a bit of legislative malpractice in cobbling a way to let the "I hate President Obama" crowd have a public vote to exempt Missouri from the new federal [Patient Protection & Affordable Care Act](#).

Championed by [Sen. Jane Cunningham, SS SCS HCS HB 1764](#) violates the U.S. Constitution, and the manner in which it passed through the Senate violates the Missouri Constitution.



Sen. Cunningham

[Article III, Section 21](#) of our state constitution reads, in relevant part, "No law shall be passed except by bill, and no bill shall be so amended in its passage through either house as to change its original purpose."

The original purpose of HB 1764: to create a process for domestic insurance companies to voluntarily dissolve and liquidate.

Sen. Cunningham's substitute would submit to Missouri voters this August a ballot question purporting to exempt Missouri from the federal health reform act.

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Unethical Tactics in House to Load Ethics Bill with Photo ID, Drug Test

The debate ended with [Rep. Timothy Jones](#), sponsor of the ethics bill, [HCS#2 SB 844](#), telling opponents that they should "shut up."

It was not really a debate – which is as it should be, since it is not really an ethics bill.



Rep. Jones

Only Rep. Jones and other supporters of the bill were recognized by [Speaker Ron Richard](#) to make remarks or ask questions.

In an apparent attempt to avoid criticism that opponents were not allowed to speak, several of those House members in favor asked questions of opponents.

That is not a real debate. Opponents could not pose questions and, most crucially, could not offer amendments.

There is a bi-partisan ethics bill, [HCS SS#2 SCS SB 577](#), that was voted "Do Pass" by the [House Committee on Governmental Accountability & Ethics Reform](#).

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Anti-Health Care Bill

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The Senate galleries were inundated with self-proclaimed members of the "[Rolling Tea Party](#)" which earlier in the day rallied outside the State Capitol.

One wonders about the coincidence that so many people missed the lessons concerning the original "tea party" which was a protest by subjects of the British Government, living in the American Colonies, that the tax on tea was levied by a legislative body in which they (the colonists) had no elected representation.

The lesson they seem to have missed is that the American Revolution remedied that complaint – as a result, taxes today are levied by our elected representatives (or, at the state and local level, directly by us through an election on a tax question).

So these folks have adopted the style of the original tea party, even though their complaint is that they disagree with the actions of their elected representatives, rather than not having the opportunity to elect representatives.

The State Senate gave these tea partiers what they came for, a vehicle by which the people of Missouri can vote to not be subject to the new federal law.

Again, what a coincidence that they missed yet another key day in American History Class, the day they covered Lee surrendering to Grant at Appomattox.

This is to say, states cannot decide that federal law does not apply within their borders. SS SCS HCS HB 1764 must go back to the House for passage or rejection.

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Unethical Ethics Bill

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However, leaders of the party in control of the legislature directed that the bipartisan bill be rejected, and through a series of shady parliamentary maneuvers, SB 577 was derailed.

Taking some heat from the press, and perhaps constituents, these same leaders seem to have decided, "You want an ethics bill? We'll give you an ethics bill!"

Thus the substitute version of SB 844, which was jammed through committee and brought to the floor on the same day, and no amendments from opponents could even be offered for debate.

Many unrelated pet causes of the far right were shoehorned into the bill.

- Changing the procedure for workplace elections, making it harder to organize a union;
- Require drug tests for candidates;
- Impose the photo-ID requirement on voters who don't have a photo-ID;
- Prohibit Missourians from talking to legislators, other than the one from their district!

Yeah, that's not a misprint. However, it is difficult to be entirely certain what was in the bill, because [the text has not been posted on the web](#) – not even a summary.

On a personal note, I was one of about five Representatives to vote against creating the Ethics Commission some 20 years ago. I did not believe it would prevent corruption in state government. Was I wrong?

I'm fairly old school – if you don't want crooks in office, don't elect crooks to office. *Caveat elector* – let the voter beware. (BQ)