



MISSOURI HOUSE OF REPRESENTATIVES  
**WITNESS APPEARANCE FORM**

BILL NUMBER: <b>HB 3006</b>		DATE: <b>2/16/2026</b>
COMMITTEE: <b>Special Committee on Intergovernmental Affairs</b>		
<b>TESTIFYING:</b> <input type="checkbox"/> IN SUPPORT OF <input checked="" type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
<b>WITNESS NAME</b>		
<b>INDIVIDUAL:</b>		
WITNESS NAME: <b>ABIGAIL HERNDON</b>		PHONE NUMBER:
BUSINESS/ORGANIZATION NAME:		TITLE:
ADDRESS:		
CITY:		STATE:      ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/16/2026 9:46 PM</b>
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>		

Unless there is a bipartisan agreement this bill is trouble. Only allowing report funds that were appropriated by the Federal government but never disbursed is withholding important information from the public. We should know who and where the money is going to. If it's only one party, all the money will go towards favorites and not evenly or fairly distributed.



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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>ARNIE "HONEST-ABE" DIENOFF-STATE PUBLIC ADVOCATE</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>In-Person</b>	SUBMIT DATE: <b>2/16/2026 11:59 PM</b>	
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<b>WITNESS NAME</b>			
<b>INDIVIDUAL:</b>			
WITNESS NAME: <b>SARAH BERRY</b>		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: <b>Written</b>	SUBMIT DATE: <b>2/12/2026 9:58 PM</b>	
<b>THE INFORMATION ON THIS FORM IS PUBLIC RECORD UNDER CHAPTER 610, RSMo.</b>			

Chair and Members:

On its surface, this bill sounds aggressive and responsible. Who doesn't want Missouri to recover every federal dollar owed?

But structure matters.  
 And this structure is constitutionally unstable.

**1. Separation of Powers Conflict**

This bill authorizes a position inside the State Treasurer's Office to "file actions in a court of competent jurisdiction."

Under the Missouri Constitution, the power to represent the State in litigation is vested in the Attorney General.

You are creating parallel litigation authority inside the executive branch.

- That invites:
- Intra-branch conflict
  - Competing litigation strategies
  - Standing challenges
  - Federal court dismissal

If the Treasurer files suit without statutory clarity aligning with the Attorney General's constitutional authority, those actions are vulnerable on day one.

**2. Federal Preemption and Supremacy Clause Exposure**

- Federal appropriations are governed by:
- Federal statute
  - Federal agency conditions
  - Appropriations law
  - Administrative exhaustion requirements

**“Attempt to recover through any available means” is dangerously broad.**

**You cannot litigate around federal disbursement conditions.**

**If funds were not disbursed due to noncompliance with federal conditions, Missouri does not have a recovery claim.**

**This language invites politically symbolic lawsuits that collapse under federal preemption.**

### **3. Duplication of Existing Authority**

**Missouri already has:**

**A State Treasurer**

**A Budget Director**

**An Attorney General**

**An Auditor**

**Each has oversight roles touching federal funds.**

**This bill creates a new officer without:**

**Clear reporting lines**

**Defined coordination requirements**

**Budgetary parameters**

**Oversight constraints**

**That is bureaucratic expansion without structural clarity.**

### **4. Whistle Reporting Without Safeguards**

**The bill authorizes a reporting process for state employees to report undisbursed federal funds.**

**But it contains:**

**No whistleblower protection language**

**No confidentiality guarantees**

**No retaliation protections**

**You are inviting internal reporting without protecting those who report.**

**That is poor design.**

**Bottom Line**

**If federal funds are owed, the Attorney General already has authority to pursue recovery.**

**If federal funds were conditioned and not met, litigation will fail.**

**If federal funds were mismanaged internally, that is an Auditor issue.**

**This bill blurs roles without strengthening outcomes.**

**Legislative Notice:**

**The General Assembly is placed on notice that:**

**Granting litigation authority to the State Treasurer risks separation-of-powers challenge under the Missouri Constitution.**

**Attempts to litigate federal appropriations decisions are subject to federal preemption and administrative exhaustion barriers.**

**Failure to include coordination with the Attorney General creates foreseeable standing and representation disputes.**

**These risks are structural.**

**And structural defects do not resolve themselves after passage.**

**They surface in court.**

**And courts are less forgiving than floor debate.**