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Hubrecht's Capitol Report - Friday, March 17, 2017

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House Budget Committee Unveils Spending Proposal that Fully Funds Education

Missouri's public schools would be fully funded for the first time under the budget proposal unveiled by the House Budget Committee Chairman this week. The proposed spending plan would also restore a proposed cut to in-home care and nursing home services for senior and disabled Missourians.

The Budget Chairman said the 13 appropriations bills that will make up the Fiscal Year 2018 state operating budget represent the legislature's commitment to its young people, as well as to its most vulnerable citizens.

In addition to the additional \$48 million that will fully fund the School Foundation Formula, the House budget proposal restores proposed cuts to K-12 transportation funding. The plan also secures \$6 million in funding to increase broadband internet access for Missouri schools. Additionally, the House budget plan restores \$21.75 million in proposed cuts for the state's institutions of higher learning.

The FY 2018 spending plan proposed by the House Budget Committee also restores approximately \$52 million in proposed cuts that would have impacted 20,000 seniors and disabled Missourians who currently qualify for state-funded in-home care and nursing home services.

Other notable funding decisions in the House plan include \$3.5 million to fulfill the

state's commitment to the Biodiesel Producer Incentive Fund, record levels of funding for the state employee pension plan, and \$1.4 million to fund a system of voter identification in Missouri.

The House Budget Committee will work to finalize the budget bills and send them to the floor when the House returns from Spring Break. House Leaders plan discuss the bills on the House floor and have them out of the House by April 6. The Senate and House will then have until May 5 to agree to a spending plan and send it to the governor.

House Approves Legislation to Create Senior Service Protection Fund (HCB 3)

The members of the Missouri House have approved a change to the state's circuit breaker tax credit that will free up funds for vital in-home care and nursing home services for Missouri's most vulnerable citizens.

It was in early February that Governor Greitens unveiled a budget plan that proposed saving \$52 million by changing the eligibility standards for home and community-based services. As a result, approximately 20,000 seniors and disabled Missourians would no longer qualify for the state-funded care. House leaders responded by working toward a solution that would provide funding for the programs during a difficult budget year.

The legislation approved this week would create the Missouri Senior Services Protection Fund to provide funding for services for low-income seniors and disable persons. To provide the funding, the legislation ends the renter's portion of the senior citizens property tax credit. The change would generate up to \$56 million in funds that would be used to help provide health care services to Missouri's most vulnerable citizens.

Proponents of the change say it returns the credit to its intended purpose of providing property tax relief for seniors so they can afford to stay in their homes. They say the Senior Services Protection Fund will allow the state to reinvest money to more effectively serve low-income seniors and disabled Missourians. Supporters also say the change will not diminish Missouri's commitment to its most vulnerable citizens, and will instead ensure those who need care the most will receive it.

Those who oppose the bill say that eliminating the tax credit would impact many disabled and senior citizens greatly by removing funds they use to purchase goods and services not covered by Medicaid. They say there are other options the legislature could explore to secure funding for in-home care and nursing home services. They say it does not benefit seniors to swap one necessary program for another.

Legislation to Stop Illegal Use of Herbicides Receives Final Legislative Approval (HB 662)

The House and Senate have agreed to legislation that is meant to stop the illegal use of herbicides that have caused widespread damage to crops in Southeast Missouri.

According to experts from the University of Missouri, many farmers in that region lost an average of 35 percent of their crops when neighboring farmers used an outdated Dicamba product. Wind and temperature changes caused that product to spread onto nearby fields. Because the product was drifting onto fields not planted with seeds resistant to it, those crops were damaged. At least 150 farmers were impacted by the illegal use of the product.

The legislation approved by the House would allow the Department of Agriculture to issue a fine to any individual who knowingly applies a herbicide to a crop for which the herbicide is not labeled for use. Under current law, the fine is a flat \$1,000, which the sponsor of the bill said is not a strong enough deterrent. Under the bill, the department could issue a fine of up to \$10,000 per violation when a product is spread illegally. The fine would escalate to up to \$25,000 per violation for those who repeatedly break the new law. The money collected from any fines would go to the local school district in which the violation occurred.

The bill would also give the Department of Agriculture additional powers to investigate claims of illegal herbicide use. The department would be able to subpoena witnesses and compel the production of certain records related to the misuse of herbicides. Farmers penalized for illegal use would be liable to the department for its expenses and for personal property affected.

The bill includes an emergency clause, which would make it effective immediately upon being signed by the governor.

Expert Witness Legislation Headed to the Governor's Desk (HB 153)

This week the Senate took up and passed House legislation meant to improve the reliability of expert evidence that is presented to juries in Missouri state courts. The bill, which is now on its way to the governor, would implement an established standard for determining when expert-witness testimony is admissible as evidence at trial. The proposed standard, which is commonly referred to as the Daubert standard after a 1993 U.S. Supreme Court case, is used in federal courts and in more than two-thirds of the

states.

The bill is an important component of the legislature's tort reform efforts this year. Supporters of the change say the bill will ensure that testimony from someone designated by lawyers as an 'expert' can be relied upon by citizen jurors.

Supporting Missouri's Sheltered Workshops (HCR 28)

This week, House members showed their support for the thousands of Missourians with developmental disabilities who develop professional skills in the state's sheltered workshops.

Sheltered Workshops provide a controlled work environment and a program designed toward enabling individuals with disabilities to progress toward normal living. Currently, more than 6,300 Missourians with developmental disabilities are employed by Missouri's 92 sheltered workshops, with another 1,100 waiting to work.

Unlike many states, Missouri does not use federal dollars to fund the workshops. Instead, the workshops generate as much as 70 to 80 percent of their funding from contract services, and then receive additional funds from their county and the state.

Despite this, the federal government has impacted the way workshops operate in Missouri. Supporters of workshops say the Workforce Innovation and Opportunity Act, which went into effect in 2016, is adding bureaucratic layering that slows the process of finding work for those who have disabilities. They refer to it as an unfunded mandate that is placing an undue burden on the workshops.

The House approved a resolution to reaffirm Missouri's support of the sheltered workshops in the state. The sponsor hopes it will help send a message to federal legislators that will cause them to take a second look at the unintended consequences of the Workforce Innovation and Opportunity Act.

Raising the Marriage Age to Protect Young People (HB 270)

The legislature continued its fight against human trafficking this week as the House approved legislation to raise the minimum age for marriage from 15 to 17 years old.

Missouri currently has a minimum age of 18 to obtain a marriage license without parental consent. Young people age 15 to 17 can receive a license with parental consent.

Individuals of any age also have the option to get married without consent if they successfully petition the court to obtain a license.

The legislation approved by the House would raise the age requirement to 17. An earlier version of the bill had raised concerns that Missouri law would block a marriage and interfere in the decision of a family in situations in which no coercion or wrongdoing is present. The bill's language was changed to require a hearing before a judge, so that parties can present evidence that the marriage is advisable. The bill also includes a provision to ensure no marriage license is issued to any person 21 years of age or older if the other party to the marriage is less than 17 years of age.

Supporters say the goal of the bill is to prevent child marriages that are used to disguise abusive situations and human trafficking. They note that Virginia recently raised its minimum age requirement after seeing a large number of underage girls marry men who were far older. According to one study, more than 7,300 teens under the age of 18 were married in Missouri from 2000 to 2014.

House Approves Cronkite New Voices Act to Ensure the Free Speech Rights of Student Journalists (HB 441)

The members of the Missouri House gave approval this week to legislation designed to better protect the free speech rights of student journalists. The Cronkite New Voices Act is meant to ensure high school and college student reporters will be able to do their jobs without fear of censorship from administrators or teachers.

The bill is modeled after legislation approved in Kansas, Illinois, and North Dakota. If approved in Missouri, it would prevent school authorities from exercising prior restraints over student media except when they are about to publish libelous or slanderous material, invade privacy, violate state or federal law or incite students to create a clear and present danger to the institution. It also would restrict authorities from disciplining student journalists or controlling their activities outside of school. Additionally, the bill would require each school district to adopt a written student freedom of expression policy.

Supporters note that student journalists often work on controversial topics and that schools sometimes do not allow the stories to come to light. They note that the 1988 Supreme Court case, *Hazelwood School District v. Kuhlmeier*, decided that a high school-sponsored newspaper produced as part of a class without a clear policy establishing it as a public forum for student expression could be censored. Supporters say it's important to protect the first amendment rights of student journalists

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