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**June 2021**

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It is an honor and privilege to serve the 26th District in the Missouri House of Representatives. I've enjoyed getting to know so many people in our community, and I hope this e-mail newsletter allows me to hear from more of my constituents. Please forward this e-mail to your friends and family in the 26th District who want to know how what happens in the legislature affects all our lives.

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**COMMUNITY ASSISTANCE**

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## **Food/Household/Utility Resources:**

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Need food and hygiene items, emergency rent or utilities assistance, diapers or pull-ups, help with medicines and medical devices?  
CAC may be able to help. Click [HERE](#) for more information.

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- **Harvesters Community Food Network. Click [HERE](#) to find service in your area**
- [Community Action Agency of Greater Kansas City](#)
- [Spire - Natural Gas Assistance](#)
- [Emergency Rent Assistance](#)

# KANSAS CITY'S NEW EMERGENCY RENTAL ASSISTANCE PROGRAM

*Application process announcement mid-February*

## IMMEDIATE ASSISTANCE IS AVAILABLE

These agencies have city-provided funds available now for rent and/or utility help:

- **Journey to New Life** - (816) 960-4808
- **Metro Lutheran Ministries** - (816) 285-3137 (north)  
(816) 285-3139 (south)
- **Greater KC Housing Info Center** - (816) 931-0443
- **Guadalupe Center** - (816) 421-1015
- **Save, Inc.** - (816) 531-8340, ext. 260



CITY OF  
KANSAS CITY,  
MISSOURI

[KCMO.GOV/RentHelp](https://www.kcmo.gov/RentHelp)



Need rental assistance due to COVID-19 hardship?  
Click [HERE](#) for more information.

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## **JOB OPPORTUNITIES**

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[Full Employment Council - Kansas City](#)

[KCTV5 - Job Connection](#)

[Ford - Claycomo](#)

[Truman Medical Center](#)

[Kansas City Research Hospital](#)

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## **COVID RESOURCES**

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Access to resources for COVID 19 assistance can be found by clicking below.

[COVID Resources](#)

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You can also learn more at <https://covidvaccine.mo.gov/>.

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## CAPITOL UPDATE

If you have any questions or would like further information please contact us at 573.751.2124 or at [ashley.blandmanlove@house.mo.gov](mailto:ashley.blandmanlove@house.mo.gov)

### FEDERAL APPEALS COURT UPHOLDS ABORTION LAW INJUNCTION

A three-judge panel of the 8<sup>th</sup> U.S. Circuit Court of Appeals on June 9 upheld a federal district judge's injunction blocking enforcement of a 2019 Missouri law criminalizing most abortions performed after eight weeks of gestation, with no exceptions for cases of rape or incest.

The appellate panel ruled the injunction is appropriate since the law runs afoul of U.S. Supreme Court precedent holding that women have a constitutional right to terminate pregnancy prior to the point of fetal viability, which typically is around 24 to 28 weeks. At eight weeks, women often are unaware they are pregnant.

However, enacting abortion restrictions that clearly violate current constitutional standards was the point of the exercise when the Republican-controlled Missouri General Assembly passed the challenged law, House Bill 126, two years ago. Missouri is one of several Republican-dominated states to enact highly restrictive abortion laws with the hope of giving the U.S. Supreme Court the opportunity to overturn its landmark 1973 decision *Roe v. Wade*, which first recognized the constitutional right to abortion.

Last month, the federal high court agreed to hear Mississippi's appeal of lower court rulings declaring unconstitutional that state's ban on abortions after 15 weeks. The decision to take up the case during its next term is seen as a sign the court's 6-3 conservative majority could be poised to end protections for abortion rights.

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## STATE HIGH COURT STRIKES DOWN UNION RESTRICTIONS

By a 5-2 vote, the Missouri Supreme Court on June 1 upheld a lower court's decision striking down a 2018 state law pushed by Republican lawmakers to weaken labor unions that represent government workers by making it more difficult for them to operate. The law had been on hold since its enactment.

At issue is House Bill 1413, which sought to impose new legal hurdles for public-sector unions to collect dues from members, require unions to recertify every three years and prohibit workers from receiving paid time off to conduct union business. However, the bill exempted unions representing police, firefighters, corrections employees and first responders from the new rules.

Both the lower court and the Supreme Court majority determined there was no rational basis for treating public safety unions differently than those representing other government workers. As a result, HB 1413 violates state constitutional provisions providing for equal protection under the law and guaranteeing the collective bargaining rights of workers. The judges further ruled the unconstitutional exemption couldn't be severed from the law since doing so would apply its restrictions to public safety unions, which the legislature specifically intended to avoid.

The two dissenting judges, both Republican appointees, said the legislature did have a rational basis for treating public safety workers differently due to the nature of their work and would have upheld the law. The majority opinion said the dissenters' argument failed because HB 1413 discriminates not on the type of job performed but on the type of union someone belongs to. The case is *Missouri National Education Association, et al., v. Missouri Department of Labor and Industrial Relations, et al.*

## SUPREME COURT REMANDS PRISON GUARD OVERTIME CASE

A nearly decade-old class-action lawsuit filed by Missouri prison guards seeking back pay for mandatory duties they were required to perform without pay before and after shifts will continue a while longer after the Missouri Supreme Court on June 1 vacated a \$113.7 million judgment in the guards' favor and sent the case back to a lower court for further proceedings.

Although the unanimous Supreme Court largely ruled in the guards' favor, it said the trial judge erred in concluding that guards are entitled to compensation for all pre- and post-shift duties. The high court remanded the case, which was originally filed in 2012, to a Cole

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County judge to determine which specific duties are compensable and recalculate the amount of damages the guards are owed accordingly.

The Supreme Court issued its ruling more than 13 months after hearing oral arguments in the case, making an unusually long delay for the court to reach a decision. The case is *Thomas Hootselle Jr., et al., v. Missouri Department of Corrections*.

### **COURT RULES FEE FOR RETIRED SHERIFFS UNCONSTITUTIONAL**

The Missouri Supreme Court on June 1 unanimously ruled that a state law imposing a \$3 surcharge on all civil and criminal cases, including traffic violations, to help fund pensions for retired sheriffs is unconstitutional. The case, *Daven Fowler v. Missouri Sheriffs' Retirement System*, returns to a lower court for further proceedings but could have implications regarding the validity of many of the various fees Missouri law levies on litigants and criminal defendants.

In an opinion written by Judge Zel Fischer, a Republican appointee, the court said the fee violates a state constitutional provision that says “justice shall be administered without sale.” Citing a 1986 precedent holding that court fees must to “reasonably related” to the cost of judicial operations to withstand constitutional muster, the court said the fee currently at issue didn’t meet that standard because the proceeds are “used to enhance the compensation of executive department officials – retired county sheriffs.”

### **STATE DEPARTMENT OF NATURAL RESOURCES DIRECTOR DIES**

Missouri Department of Natural Resources Director Carol Comer has died, Gov. Mike Parson announced on June 9. The cause of death and related details were not announced, but The Associated Press reported that she had been undergoing treatment for cancer in recent years. The AP said she was 54 years old.

“We are greatly saddened and heartbroken to hear of Director Comer’s passing,” Parson said in a statement. “Carol was an extremely talented and accomplished leader, and the entire state of Missouri grieves alongside her friends and family. Carol brought expertise, energy, and an enthusiastic smile to every project, and she will be deeply missed among our cabinet and in the thousands of lives that she touched.”

Comer was appointed to lead DNR in January 2017 by then-Gov. Eric Greitens and stayed on

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after Parson became governor the following year. Before coming to Missouri, she served as commissioner of the Indiana Department of Environmental Management.

### **GOVERNOR SIGNS DRUG MONITORING PROGRAM INTO LAW**

Missouri will finally end its dubious distinction as the only state in the nation without a state prescription drug monitoring program to help flag and prevent opioid abuse under a bill Gov. Mike Parson signed into law on June 7.

Lawmakers worked for nearly a decade to enact PDMP legislation before finally achieving success in the legislative session that ended in May. Senate Bill 63 won final approval on votes of 20-12 in the Senate and 91-64 in the House of Representatives. The bill will take effect Aug. 28 and replace a regional PDMP network started by St. Louis County several years ago in response to the legislature's inaction that ultimately grew to encompass about 90 percent of Missouri's population.

### **STATE REVENUE STILL STRONG HEADING INTO THE END OF FY 2021**

Heading into the final month of FY 2021, net state general revenue collections for the year were up 24.3 percent compared to the first 11 months of FY 2020, going from \$8.06 billion last year to \$10.02 billion this year. However, since the COVID-19 pandemic prompted the delay of last year's tax filing deadline from the last quarter of FY 2020 to the first month of FY 2021, year-to-date revenue figures for FY 2021 are inflated.

Net general revenue collections for May 2021 increased 128.3 percent compared to those for May 2020, going from \$533.5 million last year to \$.122 billion this year. That growth also is inflated since this year's tax filing deadline was pushed from April 15 to May 15, resulting in substantially more revenue being collected this May than normally would be the case.

### **JUSTICE DEPT. SAYS STATE CAN'T NULLIFY FEDERAL GUN LAWS**

The U.S. Department of Justice on June 15 warned Gov. Mike Parson that Missouri has no authority to nullify federal laws, despite legislation he recently signed purporting to declare federal gun laws invalid and unenforceable in the state and punishing local police who assist federal officials, The Associated Press reported the next day.

The warning came in a letter from Justice Department officials and informed Parson that



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under the Supremacy Clause of the U.S. Constitution, federal law trumps conflicting state law. The letter also told Parson federal agents will continue to enforce federal gun laws and regulations in Missouri.

Parson, a Republican, signed the measure into law on June 12 at a gun range in Lee's Summit. House Bill 85 unconstitutionally attempts to nullify federal laws relating to the taxation, registration, or tracking of firearms, as well as laws prohibiting the possession, ownership, use, or transfer of specific types of firearms. Nullification is a discredited 19th-century doctrine asserting that individual states can reject federal laws they don't like. Since the U.S. Supreme Court has repeatedly ruled nullification is unconstitutional, a lawsuit challenging HB 85 is expected.

HB 85 also empowers those arrested for, or even convicted of, a federal gun crime to sue any local police department whose officers assisted in their arrests. Those departments would be subject to a minimum \$50,000 civil fine per occurrence, with the money going to the criminal offender, who also would be entitled to attorney fees. Opponents criticized this provision for literally defunding police to enrich criminals. Supporters said it's intended to discourage local police from cooperating with federal law enforcement.

The bill passed on a party-line vote of 111-42 in the House of Representatives and 22-10 in the Senate, with the majority of Republicans in support and Democrats, opposed.

#### **AG CLAIMS HE CAN'T INVESTIGATIVE GOVERNOR'S OFFICE**

In a highly questionable legal position with potential consequences for open government, Missouri Attorney General Eric Schmitt has declared he can't investigate Gov. Mike Parson's office for alleged violations of the state Sunshine Law since he sometimes represents the office in other cases. The Missouri Independent, an online news organization focusing on state government, first reported on Schmitt's novel interpretation on June 11.

The attorney general is primarily responsible for enforcing the Sunshine Law, which requires most government meetings and records to be open to the public with limited exceptions. If the attorney general refuses to handle a case, those who believe a government official or agency has violated the law must pursue it at their own expense.

After Parson's office broke with longstanding past practice and refused to make public the resignation letters of two high-ranking state officials who recently stepped down without

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explanation, the Missouri Independent filed a complaint with Schmitt, whose office claimed the attorney-client relationship with the governor's office creates a conflict of interest that prevents him from investigating. This view likewise breaks with that of previous attorneys general who has pursued Sunshine Law investigations against previous governors.

If correct, Schmitt's new interpretation raises the question of whether his office can bring any Sunshine cases involving state government since by default the attorney general represents all state agencies and officials in lawsuits. In addition, following Schmitt's logic, the attorney general arguably could never investigate state agencies or officials for any reason – including criminal offenses – due to the attorney-client relationship. Such a position would severely weaken accountability in state government.

According to the Missouri Independent, Schmitt's office didn't respond to questions regarding the scope of his new policy and whether it applies to other state agencies and circumstances. Schmitt became attorney general in 2019 when Parson appointed him to the post to fill a vacancy. Both men are Republicans.

### **GOVERNOR SIGNS BILL LIMITING PUBLIC HEALTH RESTRICTIONS**

Local officials will face new restrictions on their authority to respond to future public health emergencies under legislation Republican Gov. Mike Parson signed into law on June 15. The restrictions are a product of a backlash from GOP lawmakers to local restrictions, most now lifted, imposed last year in an effort to contain the spread of COVID-19.

During the height of the pandemic, Parson imposed few statewide mandates and repeatedly said such decisions should be left to local health officials, who were best positioned to determine the appropriate measures necessary based on local conditions. By signing House Bill 271 into law, Parson hampers the ability of local officials to respond to local circumstances.

Under the bill, local orders that fully or partially close businesses, churches or schools or place restrictions on any public or private gatherings can last for no more than 30 days during a 180-day period, although such orders can be extended by a vote of the local governing authority. HB 271 also prohibits local governments from requiring proof of a COVID-19 vaccination to use public transportation or access public accommodations. That prohibition does not apply to businesses or other private organizations.

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Although the limits on the authority of public health officials were highly controversial, because HB 271 is an omnibus bill containing numerous other topics relating to local government, it passed on near-unanimous votes of 147-2 in the House of Representatives and 29-3 in the Senate. However, since the wide-ranging, 49-page final legislation started as a three-page bill limited to creating a “local government expenditure database,” HB 271 is susceptible to a lawsuit for violating constitutional prohibitions against bills that are changed from their original purpose or contain multiple subjects.

### **SPECIAL SESSION ON HEALTH CARE TAX**

Gov. Mike Parson has called a special legislative session for the final weeks of June so the General Assembly can renew a health care provider tax that generates the bulk of funding for the state’s Medicaid program. Lawmakers typically renew the tax, known as the Federal Reimbursement Allowance, without controversy, but this year’s effort derailed when some conservative Republican senators insisted on adding unrelated language limiting women’s access to birth control.

Health care providers voluntarily pay the FRA because it allows the state to leverage more federal Medicaid funding. The current tax is set to expire on Sept. 30. However, because newly enacted legislation typically doesn’t take effect until 90 days after a legislative session, lawmakers must pass a renewal bill no later than July 3 to ensure it is in effect by Oct. 1 so that collection of the tax isn’t interrupted.

If lawmakers wait until after July 3 to pass a renewal bill, then an emergency clause allowing the bill to take effect immediately upon being signed into law by the governor would need to be added. Normally that wouldn’t be an issue, but since an emergency clause requires the support of two-thirds supermajorities in both legislative chambers, it isn’t certain under the circumstances whether there are sufficient votes to meet that threshold.

In order to mollify the conservatives, the renewal bill is expected to contain language restricting birth control access for Medicaid recipients. But the inclusion of such language is expected to turn some supporters of the bill into opponents.

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## 2021 Legislation Filed

You may also visit [www.house.mo.gov](http://www.house.mo.gov) to view all legislation filed by Rep. Bland Manlove

\*Click links in far-right corner of page to view bill and bill summary. If you have any questions please do not hesitate to contact us\*

[HB 280](#) - (0333H.01I)

Prohibits law enforcement officers from using chokeholds, carotid restraints, and vascular immobility

[HB 281](#) - (0698H.02I)

Modifies age requirements relating to the certification of juveniles for trial as adults

[HB 282](#) - (0733H.01I)

Prohibits certain discriminatory practices on the basis of hair texture and protective hairstyles

[HB 283](#) - (0724H.01I)

Expands the health professional student loan repayment program to also include mental health professionals

[HB 284](#) - (0813H.02I)

Requires school districts to offer an American civics course beginning with grade 6

[HB 285](#) - (0878H.01I)

Requires the Secretary of State to provide all printed materials in Spanish, upon request

[HB 286](#) - (0343H.01I)

Allows a civil action for summoning a police officer

[HB 287](#) - (0331H.01I)

Requires the appointment of a special prosecutor for investigations of officer-involved deaths or shootings

[HB 797](#) - (1721H.01I)

Prohibits the sale or distribution of novelty lighters

[HB 798](#) - (1726H.01I)

Prohibits text messaging while driving for all drivers

[HB 799](#) - (1710H.01I)

Modifies regulations relating to the carrying-out of wine and wine-based products from certain places

[HB 800](#) - (1709H.01I)

Establishes the National Popular Vote Act

[HB 801](#) - (1711H.01I)

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Creates provisions for automatic voter registration

HB 933 - (0771H.01I)

Creates an absentee ballot tracking system

HB 934 - (0801H.01I)

Modifies provisions relating to a private person's use of force in making an arrest

HB935 - (1711H.01I)

Creates provisions for automatic voter registration

HB 1103 - (2108H.01I)

Implements joint labor-management health and safety committee requirements for certain health care facilities

HB 1104 - (1712H.01I)

**Changes offenses not eligible for expungement**

HB 1105 - (1717H.01I)

**Modifies provisions relating to compensation for victims of crime**

HB 1106 - (1714H.01I)

**Designates the second Monday in October as Indigenous Peoples Day**

HB 1107 - (1705H.01I)

**Requires that all sales or transfers of firearms and ammunition be processed through a licensed firearms dealer**

HB 1108 - (1720H.01I)

**Modifies the penalties for the offense of driving while revoked**

HB 1134 - (1707H.01I)

**Creates the offense of unlawful possession of an ammunition feeding device that holds more than ten rounds**

HB 1197 - (2180H.01I)

**Creates provisions relating to a homicide prevention hotline**

HB 1198 - (0270H.01I)

**Specifies that tax revenues dedicated to school districts cannot be reduced or redirected to accommodate special taxing districts**

HB 1199 - (2067H.01I)

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**Modifies provisions relating to public safety**

HB 1309 - (2622H.01I)

**Prohibits certain discriminatory practices on the basis of hair texture and protective hairstyles**

HB 1449 - (2223H.02I)

**Establishes the Black, Indigenous, and People of Color Task Force of the Missouri Human Rights Commission**

HCR 34 - (2098H.01I)

**Urges Congress to admit Puerto Rico as the 51st state**

HCR 40 - (2127H.01I)

**Urges Congress to admit Washington, D.C. to the union**



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Missouri State Capitol - Room 101-I  
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