



## **WEEKLY CAPITOL UPDATE**

**Tuesday, October 3, 2023**

### **MAYOR ASKS COURT TO OVERTURN ELECTION**

**The Missouri Supreme Court on Sept. 27 heard arguments**

in a case seeking to invalidate state voters' ratification last year of a constitutional amendment that empowers state lawmakers to require Kansas City to increase minimum funding for the short-staffed Police Department.

Amendment 4, which the General Assembly placed on the November 2022 ballot, carved out an exemption to a provision of the Missouri Constitution's Hancock Amendment that prohibits the state from imposing unfunded mandates requiring local political subdivisions to increase funding for an activity the state requires them to undertake unless the state pays for it.

**Amendment 4 created a four-year window through 2026 during which lawmakers can increase minimum funding levels for the Kansas City Police Department, which is controlled by a gubernatorial appointed five-member Board of Police Commissioners made up of city residents including the mayor but funded by the**

**city, not the state, with the exception of special grants. Even though 61.4% of Kansas City voters opposed Amendment 4, it won statewide ratification with 63.2% support.**

Its passage was deemed necessary to authorize implementation of Senate Bill 678 that was passed by the General Assembly in 2022 to increase the percentage of the city's general revenue that must be spent on the Police Department from 20 to 25%.

Kansas City Mayor Quinton Lucas filed a lawsuit January 6 of this year challenging the official fiscal estimate that appeared on the ballot that indicated local government would incur “no additional costs” from Amendment 4 – even though the purpose of the measure was to authorize the General Assembly to require Kansas City to provide a higher minimum level of Police Department funding.

The fiscal estimate on the ballot said, “State and local governmental entities estimate no additional costs or savings related to this proposal.”

Lucas argued Missouri voters were misled by the fiscal estimate. He asked the court to nullify Amendment 4’s ratification and order a new election with ballot language reflecting the higher minimum amount the city would have to spend on the Police Department and the impact that could have on funding other city services.

**Although the court in the past has allowed post-election challenges to ballot language if the litigation couldn’t get resolved prior to an election, none has yet resulted in a voter-approved measure being invalidated. During oral arguments, the judges questioned whether they had the authority to order a new election in the event they ruled in the mayor’s favor.**

**Regardless of the ruling in this case, assuring adequate police funding will undoubtedly continue to be of high interest in Kansas City which has one of the highest per capita homicide rates among big cities in the country. As of today, the city has suffered 146 homicides for the year, just three short of the 149 suffered at this time in 2020 when the city set a new all-time record for homicides for the year with 179.**

The court will issue a ruling at a later date.

The case is *Quinton Lucas v. Missouri Secretary of State John R. Ashcroft*.

**JUDGE REWRITES BALLOT LANGUAGE**

A Cole County judge on Sept. 25 rewrote the official ballot language for initiative petitions seeking to enshrine abortion rights in the Missouri Constitution, blocking Secretary of State Jay Ashcroft's attempt to describe the effort as allowing "dangerous, unregulated, and unrestricted abortions from conception to live birth," among other descriptions.

In a separate but related ruling issued the same day, the judge also rejected efforts by two lawmakers to drastically inflate the proposals' official cost estimates. Both cases are expected to be appealed to the Missouri Court of Appeals Western District and ultimately go to the state Supreme Court for final adjudication.

In response to the U.S. Supreme Court eliminating the federal right to abortion last year, advocates of reproductive rights are seeking to amend the state

constitution to restore the right in Missouri. The advocates initially filed 11 different versions of their proposed constitutional amendment but later narrowed it down to six for the purpose of challenging Ashcroft's ballot language. Only one version will be circulated for signatures once the litigation surrounding the matter is settled.

**Circuit Judge Jon Beetem found 13 separate phrases representing about three-fourths of Ashcroft's ballot language to be "problematic in that they are either argumentative or do not fairly describe the purposes or probable effect of the initiative."**

**Beetem's replacement ballot language for all six versions begins by stating the measures would "establish a right to make decisions about reproductive health care, including abortion and contraceptives, with any governmental interference of**

that right presumed invalid.”

The second case, brought by State Senator Mary Elizabeth Coleman, R-Arnold, and State Representative Hannah Kelly, R-Mountain Grove, challenged the fiscal estimates prepared for the measures by State Treasurer Scott Fitzpatrick who concluded they would result in no increased expenses for state agencies and a minimal cost increase for local governments.

Coleman and Kelly wanted the estimates rewritten to claim the measures would cost the state in excess of \$12 billion a year in lost revenue. Beetem ruled the lawmakers failed to meet their burden of proving Fitzpatrick’s estimates are insufficient or unfair and that the evidence supported the auditor’s conclusions.

The ballot language case is *Dr. Anna Fitz-James v. John*



*R. Ashcroft*, and the fiscal estimate case is *Hannah Kelly, et al., v. Scott Fitzpatrick, et al.*

## **LAW TARGETING HOMELESS CHALLENGED**

Attorneys for a Springfield homeless shelter urged the Missouri Supreme Court on Sept. 27 to strike down a state law criminalizing camping or sleeping on state property and imposing other regulations on the homeless, citing procedural flaws in its passage.

The court will issue a ruling at a later date.

As originally filed in the 2022 legislative session, House Bill 1606 was limited to tweaking laws governing county financial statements. By its final passage, lawmakers expanded it to about 20 different provisions loosely

relating to “political subdivisions.”

In arguments before the Supreme Court, attorneys for The Gathering Tree and other advocates for the homeless said HB 1606 violates state constitutional provisions requiring legislation to be limited to a single subject that’s clearly reflected in a bill’s title and isn’t changed from its original purpose.

They argued the homeless restrictions have nothing to do with the bill’s original purpose of county financial statements or its other provisions, including adjusting county coroners’ salaries, prohibiting mandatory COVID-19 vaccinations for public workers and exempting the upcoming World Cup soccer games in Kansas City from sales taxes.

A Cole County judge had previously ruled HB 1606 is constitutionally valid.

**The General Assembly enacted HB 1606 over the objections of groups that work with the homeless that predicted it would cause more hardships for homeless people without alleviating the problem.**

**In addition to making it a Class C misdemeanor punishable by up to 15 days in jail and a \$750 fine to sleep or camp on state-owned property, the bill requires cities to use state funding for homeless programs for temporary camps instead of permanent housing.**

**It also calls for denying state funding to cities with homelessness rates higher than the state average, thus stripping resources from communities with the greatest need.**

**After the bill's passage, Missouri Department of Mental**

Health Director Valerie Huhn wrote to Gov. Mike Parson warning him of the concerns with HB 1606, but Parson signed it into law anyway.

The case is *Jonathan Byrd, et al., v. State of Missouri*.

## **COURT OF APPEALS JUDGE APPOINTED**

Gov. Mike Parson on Sept. 22 appointed Warren County Associate Circuit Judge Michael Wright to the St. Louis-based Missouri Court of Appeals Eastern District.

**Wright, a Republican, has nearly a decade of experience as a judge and previously served 22 years as Warren County prosecuting attorney. He initially was appointed as a Warren County judge by Democratic Gov. Jay Nixon in 2014 and later won election to the post as a Republican.**

He replaces veteran appellate Judge Sherri Sullivan, who recently retired after 24 years on the Eastern District bench. Sullivan was the last appellate appointee still serving of former Gov. Mel Carnahan, a Democrat who was Missouri's chief executive from 1993 to 2000.

Wright was one of three finalists for the vacancy selected by the Missouri Appellate Judicial Commission, a seven-member panel that screens and recommends applicants for court of appeals positions. The others were Kathleen Hamilton, a litigation attorney and partner at the HelperBroom law firm in St. Louis and St. Louis County Circuit Judge Virginia Lay. With a second vacancy on the Eastern District outstanding, Hamilton and Lay likely will have another chance to be appointed.



**This week I had the chance to attend the Young Family Farm annual fundraising dinner. I'm pictured here with Representative Yolanda Young whom I have the pleasure of serving with in the Missouri House. I would like to thank her and the entire Young family for having this event and for being leaders in the urban farming community.**





You are cordially invited to a

# **FAITH & BLUE**

## **Prayer Breakfast**

Please Join us for food and prayer. Clergy will pray for law enforcement and law enforcement will pray for clergy as we kick off the National Faith & Blue weekend.

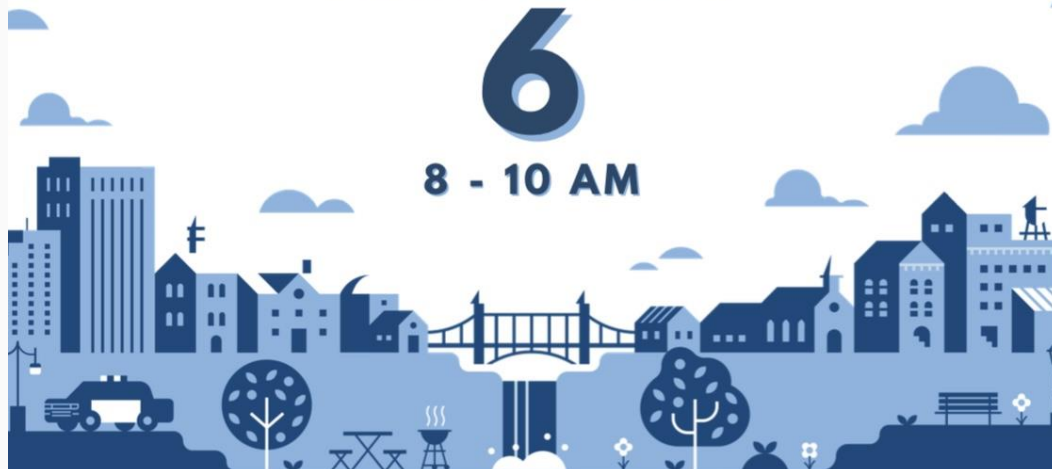
Faith & Blue are working together to build bridges to more inclusive communities. We hope you will join us.

**COLONIAL PRESBYTERIAN CHURCH**  
**9500 WORNALL RD KCMO 64114**

**FRIDAY OCTOBER**

**6**

**8 - 10 AM**



For more information contact PO McCall at [mary.mccall@kcpd.org](mailto:mary.mccall@kcpd.org)



PUBLIC WORKS

# CITYWIDE DROP-OFF

In District 5

**Saturday, October 14  
8AM – Noon  
For All KC Residents**



For more information: Call  
Robert Woods at 816-513-8442

**Southeast High School, 3500 E Meyer Blvd**

*Leaf & Brush, Tires, Trash & Bulky Items*

**Center Academy for Success, 8434 The Paseo**

*Leaf & Brush, Trash & Bulky Items, Tires, Shredder, Electronics*

**Ruskin High School, 7000 East 111th St.**

*Leaf & Brush, Trash & Bulky Items, Tires, Shredder, Electronics*

**3001 East 81st St.**

*Leaf & Brush, Trash & Bulky Items*

## ELECTRONICS PRICE LIST

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**Additional Electronic Items Accepted at No Cost!**

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PUBLIC WORKS

# DROP-OFF IN THE 6TH DISTRICT

For more information: Call  
Robert Woods at 816-513-8442

**Saturday, October 21**  
**8AM – Noon**  
**Open to all KC residents**



**South Broadland Presbyterian Church, 7850 Holmes, 64131**

*Tires, Trash & Bulky, Leaf & Brush, Shredder, Electronics*

**First Baptist Church of Kansas City, 100 Red Bridge Rd, 64114**

*Tires, Trash & Bulky, Leaf & Brush, Shredder, Electronics*

## ELECTRONICS CATEGORIES

COMPUTERS AND ACCESSORIES  
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CRT Computer Monitors (\$5)  
LCD TVs (\$20)  
Plasma Screen TVs (\$20)  
Console/Projection TVs (\$30)  
CRT TVs (\$30)

**Additional Electronic Items Accepted at No Cost!**



## South KC Food Pantries

South Kansas City is fortunate to have several food pantries to help less-fortunate residents have enough healthy food to eat. These include:

**Community Assistance Council**, 10901 Blue Ridge Blvd. on the north end of the Ruskin High School campus, from 9 a.m. to 2:30 p.m. Monday, Tuesday, Thursday and Friday. Persons should call 816-763-3277, ext. 100, or email [info@cackc.org](mailto:info@cackc.org) for appointments or

questions.

**Red Bridge Area Food Pantry**, 100 W. Red Bridge Rd. in the First Baptist Church of Kansas City, from 10 a.m. to noon on the third Saturday each month. Persons must call 816-908-7800 for appointments by the prior Wednesday.

Harvesters (the community food network) brings the semi-truck that serves as its mobile food pantry to seven sites in south Kansas City monthly to distribute fresh produce and other healthy food to families in need. The sites are:

**Center School District**, 8701 Holmes Rd., from 9 a.m. to 10:30 a.m. as long as food is left on the first Saturday of the month. Persons should drive through the bus parking lot to the district warehouse. The event is sponsored by Three Trails Community church in partnership with the Center School District.

**Center District Warehouse**, 8701 Holmes Rd., from 11:30 a.m. to 1:30 p.m. the second Friday of each month. Persons should go to the entrance to the Center Administrative Office and drive through the bus parking lot to the warehouse where volunteers will load the food. Persons should take the Troost Ave exit. The event is sponsored by the Center Education Foundation in partnership with the Center School District.

**Evangel Church**, 1414 E. 103<sup>rd</sup> St., from 7 to 8:30 a.m. the second Saturday of the month. Persons may remain in their vehicles, and food will be brought to them.

**United Believers Community Church**, 5600 E. 112th Terr., with vehicles lining up at 8:30 a.m. and contactless food distribution running from 9 to 11 a.m. the third Wednesday of the month.



**Ruskin High School**, 7000 E. 111<sup>th</sup> St., from 4 to 5:30 p.m. the third Thursday of the month. Vehicles should line up on Ruskin Way on the east side of the school, and staff and students will load the food when vehicles reach the school.

**Colonial Presbyterian Church**, 9500 Wornall Rd., with registration beginning at 8 a.m. and food distribution running from about 8:30 to 10 a.m. on the third Saturday of the month. Families are asked to bring two cardboard boxes for volunteers to put the food in.

**Red Bridge United Methodist Church**, 636 E. 117<sup>th</sup> St., from 2:30 to 3:30 p.m. on the fourth Friday of the month in the church parking lot.

**Serve and Lift Center – South KC**, 8001 Longview Rd., from 8:30 a.m. to 3:30 p.m. Monday, Tuesday, Wednesday and Thursday. Walk-in, call for an appointment or order online at <https://catholiccharities-kcsj.org/pantry/>



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**Please don't hesitate to contact me  
with any feedback, questions or ideas!**