

Dear Neighbor,

The Bay Waterpark located off Longview road in south Kansas City has a very uncertain future. Many people in south Kansas City were incredibly happy when the Bay Waterpark first opened, but over the years we've seen some changes that haven't made it easy for the waterpark.

Currently, if you go on the website for the Bay Waterpark it is says it will not be open until further notice. So what does that mean? Will the waterpark be open with limited hours like much of last summer or will it be open at all? The answer is unclear at this point. I spoke to councilwoman Ryanna Park-Shaw who confirmed the Bay Waterpark does have staffing issues which is why we saw reduced hours of operation last summer and why it is not open now.

This time last year, I spoke with Roosevelt Lyons, then interim director of the Kansas City Parks Board. He indicated to me that many of the main attractions were unavailable to ride because they did not have enough personnel to work those rides. There have even been rumors of the Bay Waterpark being closed this summer solely due to understaffing. I have been informed that the city is working to fix the staffing shortage. How soon that will happen, I am not sure. In the meantime, families in the Ruskin Hickman-Mills area have no place to go to cool off during the hot summer days, forcing families to go to other areas to find a pool.

At the Federal level, it looks like the U.S. Senate can work together. Senate negotiators announced earlier today they are working towards a bipartisan deal on a narrow set of gun safety measures with enough support to move it through the tightly divided Senate chamber. The agreement put forth is being championed by both Democrats and Republicans and would include enhanced background checks to give authorities time to check juvenile and mental health records of any potential gun buyer under the age of 21. It would also provide funding for states to implement "red flag" laws that allows authorities to temporarily confiscate guns from people who have been deemed dangerous, as well as money for mental health resources and to boost safety and mental health services at schools.

We are waiting on the actual text of the bill language to be released to see what it will actually include. Though it does not include every piece of gun reform legislation many have called for, it is a huge step in the right direction and something we should all support.

Now that session is over, this is the perfect time to start looking into what bills or legislative priorities I can spearhead in next year's legislative session. If you have any suggestions on what those could be, please respond back to this email.

Here are my committee appointments:

Crime Prevention Elementary & Secondary Education General Laws Joint Committee on Legislative Research Special Committee on Urban Issues Special Committee on Public Policy: Ranking Minority Member

Email is probably the best way to reach my office. If you are unable to quickly reach me, you can contact my legislative aide Kaylee Bauer at <u>Kaylee.Bauer@house.mo.gov</u>.

Please scroll down to read about other state government matters and important upcoming local events.

Feel free to forward this newsletter to your friends and family who might want to know the latest news about what is happening in state government and about important local events. Be safe and God bless.

Yours in Service, Mark A. Sharp



Last week I was joined by my House and Senate colleagues for the Samuel U. Rodgers Health Centers First Annual Golf Tournament. It was played here in south Kansas City at Minor Park in my legislative district, and the course held up very well after a massive amount of rain the night before. From left to right are Representatives Michael Johnson and Mark Ellebracht, Senator Barbara Washington and me.

WEEKLY CAPITOL UPDATE

Monday, June 13, 2022

APPELLATE COURT SIDES WITH GREITENS

The Missouri Court of Appeals Western District on June 7 ruled the use of a text-destructing application by former Gov. Eric Greitens and his staff didn't violate the state's open records law because no records were retained to be subject to disclosure under the law.

However, the unanimous three-judge panel said the case highlights the need for the legislature to update the law to reflect modern technology.

Although Greitens resigned in June 2018 ahead of impeachment proceedings over allegations of personal

misconduct, the lawsuit has continued over his office's use of the application Confide which automatically destroys text messages after they have been read.

After media reports about Greitens and members of his staff using Confide, a group called the Sunshine Project filed an open records request in 2017 seeking copies of the texts sent using the application. Since the texts were deleted, the Governor's Office said it had no records covered by the request.

Missouri's Sunshine Law requires governmental bodies to disclose most public records upon request, subject to certain exemptions. However, the statutory definition of a public record includes that it be "retained by" a public governmental body.

Since there was no retention, the appellate panel agreed with a circuit court judge's finding that records that don't exist aren't subject to disclosure under the Sunshine Law. In a footnote to its opinion, the panel acknowledged that Confide and similar applications allow public officials to side-step the Sunshine Law but said updating the law is a job for the legislature, not the courts.

"(I)t may be time to update the Sunshine Law that was originally enacted in 1973 – well before cellular phone technology existed and, likewise, well before ephemeral messaging applications existed," Judge Lisa White Hardwick wrote for the court. "But, it is not within the power of the judicial branch of government to 'create' statutory law; that power is vested with the legislative branch of government. Unless and until the legislature 'updates' Missouri's Sunshine Law to account for cellular phone technology and associated data, we cannot add words to the statute to accommodate (the plaintiff's) legitimate concerns about the use of ephemeral messaging applications by public officials."

The footnote went on to suggest the state's existing statutes governing record retention by public governmental bodies – not the Sunshine Law – could prohibit the use of textdestructing technology. However, later in the opinion the court noted the plaintiff failed to make an argument concerning those laws, so the court didn't consider the issue on appeal.

An appeal to the Missouri Supreme Court is expected.

The case is Sansone v. Governor of Missouri.

PARSON SIGNS BILL PROTECTING TREATMENTS

Gov. Mike Parson signed legislation into law on June 7 to prohibit the State Board of Registration for the Healing Arts from sanctioning doctors who prescribe two drugs touted in some anti-vaccine circles as possible treatments for COVID-19 but not approved for that purpose by the U.S. Food and Drug Administration.

The bill also imposes a gag order on pharmacists by prohibiting them from raising questions with patients and doctors about the efficacy or safety of using the drugs for nonapproved purposes. The drugs in question are ivermectin, a treatment for parasitic worms, and hydroxychloroquine sulfate, which is used to treat autoimmune diseases such as lupus and rheumatoid arthritis. Neither have been proven effective against COVID-19, and the National Institute of Health's COVID-19 Treatment Guidelines Panel recommends against using them to attempt to treat the disease.

Despite the lack of evidence the drugs are effective against COVID-19, some of those opposed to coronavirus vaccinations have pushed the substances as alternative treatments. Missouri is one of several states where legislatures have pushed for protections for doctors who prescribe the drugs for non-approved purposes.

The protections for those who prescribe the two drugs for off label purposes is included in House Bill 2149, an otherwise non-controversial bill containing several provisions pertaining to professional licensing. The bill takes effect Aug. 28.

SCHMITT ISSUES SUBPOENAS TO SCHOOL DISTRICTS

Missouri Attorney General Eric Schmitt issued subpoenas to seven public school districts on June 8 seeking information on student surveys that allegedly contain information Schmitt deems inappropriate.

In a news release, Schmitt claims the surveys ask questions relating to racial views, political affiliation and sexual

orientation.

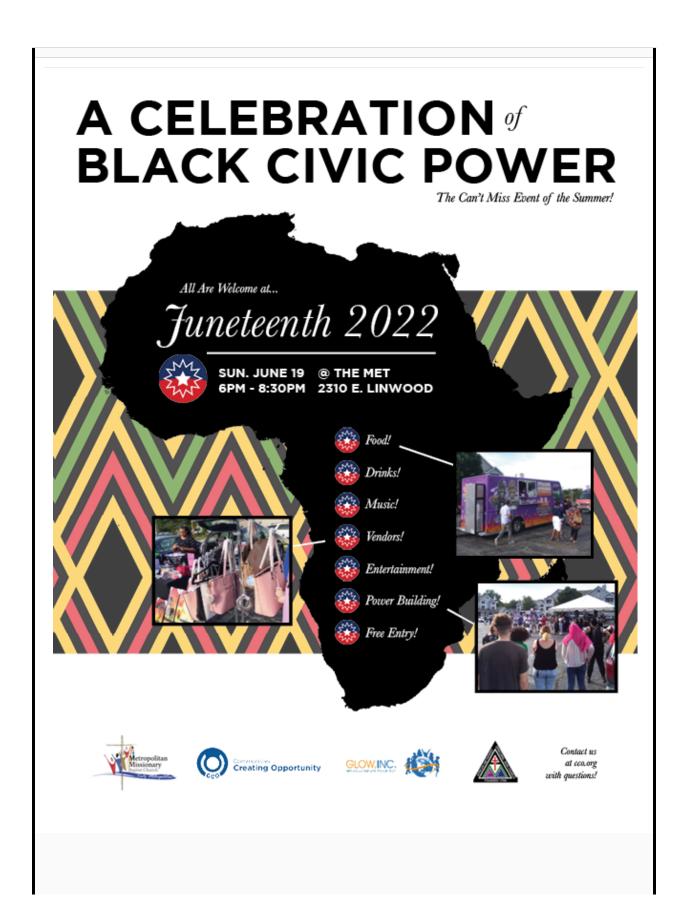
The Missouri Independent quoted a spokeswoman for the Southeastern Legal Foundation, a conservative group whose issues include combatting what it views as governmentsponsored social engineering, as saying Schmitt's action "is in direct response to our request for investigation."

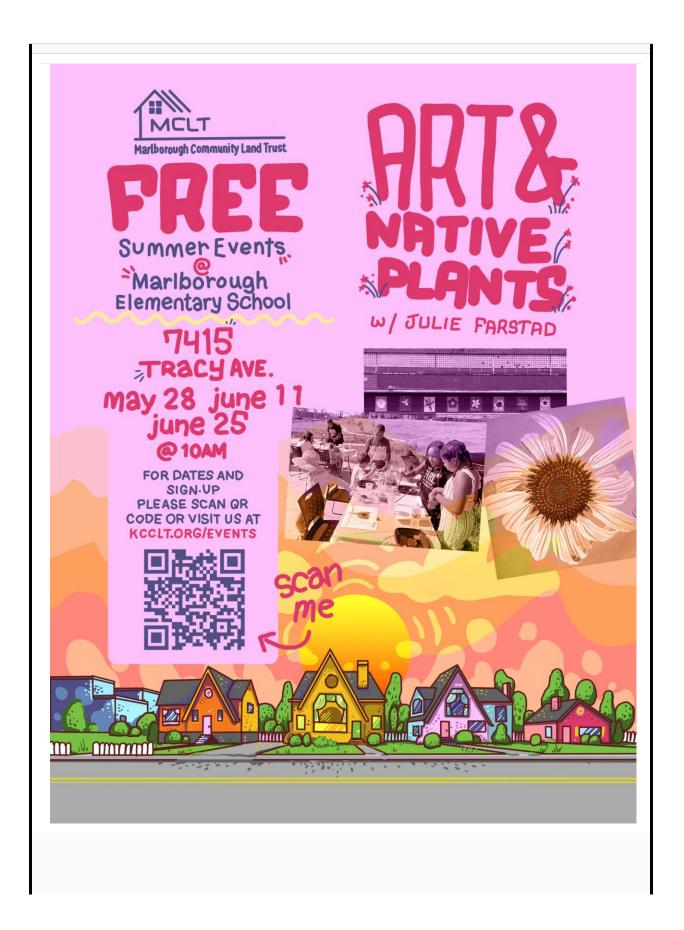
The subpoenaed districts are Mehlville and Webster Groves in the St. Louis area, Lee's Summit and Park Hill in the Kansas City area and Jefferson City, Neosho and Springfield. Schmitt gave the districts 10 days to comply.

Earlier this year, Schmitt sued about four dozen public school districts over their COVID-19 mitigation efforts. None of the lawsuits made much progress in court, and all but a few were dismissed. In May, however, Schmitt again sued six districts over the issue – all for the second time after previous cases against them had been dismissed.



















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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 <u>info@cackc.org</u> 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 913-313-0250 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. 103rd 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. 111th 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. 117th St., from 2:30 to 3:30 p.m. on the fourth Friday of the month in the church parking lot.





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