



Capitol Report

July 3, 2023



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Dear Neighbor,

Happy Independence Day to you! The Fourth of July is the tell tale sign that summer is in full swing and I hope you find the holiday festive.

This past week, Governor Parson signed the Budget Bills into law, however, he made several cuts that were recommended by the legislature in what is the largest budget in the history of the state. In particular, I am concerned with the cuts that were made that I believe will impact our state negatively.

Those particular cuts are \$5.2 million for youth crime prevention, intervention and respite housing programs. Another \$6.86 million was cut from rural behavioral health crisis center expansion.

We have a problem with violent crime in Missouri, plain and short. If we are serious about dealing with crime in our state, why are we cutting out dollars earmarked for youth crime prevention? Often times, my Republican colleagues blame the violent crime issue, in particular, the gun violence on mental health. Then why cut money for mental health? These again, are

examples of not having a real emphasis on putting forth the effort to reduce crime in the state and I am very disappointed.

The governor has until July 14 to sign or veto bills that are on his desk. I will continue to monitor which pieces of legislation make it into law this year.

Yours in Service,

Rich



Despite \$8B surplus, Missouri governor vetoes \$550M in state spending

By Rudi Keller – Missouri Independent
Jul 3, 2023 **Updated** Jul 3, 2023, 7:33am CDT

From the \$8,000 set aside so the Lone Jack Police Department could buy rifles to \$46 million for an allied health building at St. Louis Community College, Gov. [Mike Parson's](#)

veto ax fell heavily on earmarked spending as he finished work on the coming year's Missouri budget.

Parson announced his actions late Friday on the \$51.8 billion budget approved by lawmakers in May, with only eight hours left before the start of the new fiscal year. In all, he made 201 vetoes, cutting \$555.3 million by reducing some lines but more often eliminating items entirely.

In almost every veto, Parson cited the need to maintain the state's strong financial position. There is a tax cut bill that would reduce revenue by \$300 million awaiting action, the vetoes state, and the overall budget increases annual general revenue spending by \$200 million.

"I have vetoed this provision in an effort to help ensure the financial stability of Missouri beyond my administration and the current General Assembly," Parson repeats numerous times in his veto messages.

Parson issued his vetoes despite a record state general revenue surplus. The state treasury was holding \$5.9 billion in general revenue on May 31 – about \$1 billion more than the expected surplus when the fiscal year ended Friday. And

revenues, while well off the double-digit growth of past years, was \$118 million more than estimated for the year through Thursday.

“Our revenues are up, businesses are growing and investing, and we maintain a historic revenue surplus, but we must not spend just for the sake of spending,” Parson said in a release detailing his budget actions.

On a few vetoes, Parson went beyond a general worry that the item was too expensive and must be cut to maintain the state’s fiscal health. He cut \$8.5 million set aside for a no-interest loan to Magnitude 7 Metals for pollution controls on its Marston aluminum smelter in southeast Missouri.

The loan, Parson wrote, violates [a Civil War-era provision of the constitution](#) “which prohibits the lending of public credit to any private person, association, or corporation except under specific circumstances that do not exist here.”

Parson did approve several initiatives from lawmakers – expanding his \$859 million plan for widening portions of Interstate 70 to a \$2.8 billion plan for adding extra lanes across the state is the most notable one. He also approved \$300 million to build a new psychiatric hospital in Kansas City

and \$171 million to boost pay for direct care providers in residential programs for people with developmental disabilities.

But items large and small fell by the wayside, including several in Springfield, the hometown of Senate Appropriations Committee Chairman [Lincoln Hough](#). Parson cut out \$28 million for improvements on a stretch of Interstate 44, \$34 million for improvements to LeCompte Road, \$12 million for a sports complex and \$2 million for a not-for-profit science center.

“This is a local responsibility with minimal statewide impact,” Parson wrote about LeCompte Road, repeating a sentence that is included with dozens of other vetoes.

Hough issued a statement soon after Parson’s action, but did not address the cuts directly. The budget addresses major needs, Hough said, and was the result of weeks of negotiations within the General Assembly.

“I believe this final budget uses the surplus funding available from the federal government and the monies entrusted to us by the people of Missouri to aggressively improve our state

while remaining fiscally responsible with an eye towards the future,” Hough said.

In announcing his budget cuts, Parson highlighted spending on transportation and infrastructure, with \$379 million for road and bridge projects in the Missouri Department of Transportation’s rolling five-year program, \$248 million for broadband deployment within the Statewide Transportation Improvement Program and \$60 million for safety improvements at rail crossings.

However, his veto pen hit some road projects sought by lawmakers, with Parson often noting they were not in the MoDOT plan or identified as regional priorities.

Parson also said in his release that he was pleased with the education funding provided by lawmakers, including \$233 million to fully fund school transportation, \$70.8 million to boost core funding for colleges and universities and money to support minimum teacher pay of \$38,000 statewide.

However, Parson cut \$16.8 million for four-year universities that would be dependent on a new performance-based funding model. The model is not ready and does not need to be funded, he wrote.

Missouri doesn't just have a large general revenue surplus. It also has almost \$2 billion in other funds, mainly additional federal aid for state services like Medicaid tied to the COVID-19 pandemic, that can be spent like general revenue.

The growth in revenue in the current year, about \$340 million, will be enough to trigger the next round of tax cuts in [a bill passed last summer](#). For 2024, the top income tax rate in Missouri will fall to 4.8% from 4.95%.

The rate was 6% a decade ago.

[This report originally appeared in the Missouri Independent.](#)



Judge declines to enforce order as high court takes up case

With the Missouri Supreme Court expediting Attorney General Andrew Bailey's appeal of a case seeking to end his procedural obstruction of proposed initiative petitions to protect abortion rights, Cole County Circuit Judge Jon Beetem on June 26 declined to compel Bailey to immediately obey a court order requiring him allow the effort to proceed.

On June 20, Beetem ruled Bailey acted without legal authority when he rejected the fiscal estimates State Auditor Scott Fitzpatrick, a fellow Republican, prepared for 11 similar initiative petitions asking voters to enshrine abortion rights in the Missouri Constitution. Bailey subsequently missed the 24-hour deadline Beetem gave him to comply.

Although Bailey appealed the case, neither Beetem nor the Supreme Court issued a stay of Beetem's order, prompting the plaintiffs to seek enforcement. But during a June 26 hearing, Beetem agreed to let the appeal play out since the high court was "moving in the proper direction" on the case, according to the St. Louis Post-Dispatch.

The Supreme Court plans to hear the case July 18. Although quick scheduling by the court's standards, by the time the court issues a final ruling months will have passed since the May 1 statutory deadline by which state officials were supposed to have approved the petitions for circulation. With more litigation expected over misleading ballot language Republican Secretary of State Jay Ashcroft reportedly has prepared for the measures – only one of which will actually be circulated – the continuing delays could hamper supporters'

chances of gathering the more than 107,000 signatures from registered voters needed by early May to qualify for the 2024 general election ballot.

While Fitzpatrick said the measures would impose no costs on state government, with one local government possibly incurring costs of \$51,000, Bailey demanded the estimates be rewritten to falsely state they would cost the state \$12.5 billion a year in lost revenue, with much of the alleged loss resulting from taxes not paid in the future from those who would not be born because of abortion. The case is *State ex rel. Dr. Anna Fitz-James v. Andrew Bailey, et al.*



AG takes side of ex-KC officer convicted of killing Black man

In his latest controversial move since being appointed in January, Republican Attorney General Andrew Bailey is seeking to reverse the felony convictions of the only Kansas City police officer ever found guilty of killing a Black person. Since the attorney general is responsible for defending convictions on appeal, legal observers consider the decision unprecedented. Jackson County Prosecuting Attorney Jean

Peters-Baker, whose office secured the conviction, has denounced the move.

Former KCPD detective Eric DeValkenaere fatally shot Cameron Lamb, a 26-year-old father of three, as Lamb was parking his truck in a garage behind his house. After DeValkenaere waived his right to a jury trial, a judge found him guilty of felony charges of involuntary manslaughter and armed criminal action. The judge determined DeValkenaere, who was investigating alleged traffic violations, had no legal right to be on Lamb's property at the time of the shooting.

Although DeValkenaere later claimed he fired after Lamb pulled a gun on his partner, the partner testified at trial that he saw no gun. To the contrary, prosecutors offered evidence the gun was planted after the fact. DeValkenaere remained on the police force until shortly after his conviction in 2021 and remains free while his appeal is pending.

After taking over the case on appeal, as is standard for the Attorney General's Office in criminal cases, Bailey repeatedly delayed proceedings until the Missouri Court of Appeals Western District set a June 26 deadline for the office to file its brief and posted a docket entry saying: "Absolutely no further

extensions will be granted.” Instead of arguing to uphold the conviction, Bailey’s brief advocates for DeValkenaere’s conviction to be reversed, according to The Kansas City Star.

During a news conference shortly after the attorney general filed his brief, Peter-Baker, a Democrat, called Bailey’s attempt to overturn the conviction – in opposition to the facts of the case and the wishes of the Lamb family – “extremely distressing,” “disappointing” and “unfortunate,” the Star reported.

Two weeks earlier amid reports that Gov. Mike Parson, a Republican and former sheriff, planned to pardon DeValkenaere before the appeals process had run its course, Peter-Baker publicly urged him not to do so. Parson later denied a pardon was in the works but didn’t rule out issuing one in the future. Numerous community advocates and elected officials in the Kansas City area have denounced the apparent political interference and double-standard that treats police officers convicted of serious crimes more leniently than regular citizens.



Federal court says Missouri judge not immune for jailing kids

In a rare piercing of absolute judicial immunity, the 8th U.S. Circuit Court of Appeals on June 22 ruled a civil lawsuit can continue against a Missouri judge who personally jailed two

children for telling their mother they didn't wish to temporarily
live with her.

During a 2019 child custody hearing, Taney County Associate Circuit Judge Eric Eighmy, a Republican, signed off on a custody agreement the parties had reached in which the children, then aged 12 and 14, would stay with their mother for about a month before going to permanently live with their father. The children were not present in the courtroom.

After the hearing concluded, the judge overheard the children in the courthouse lobby telling their mother they didn't wish to live with her. Eighmy intervened and when the children continued to protest, he personally escorted them to a jail cell, where he left them locked up for about an hour, only releasing them when they agreed to go with their mother after he threatened to send them to foster care if they didn't.

The children's father later filed a lawsuit claiming the judge had violated their constitutional rights. Writing for the unanimous three-judge appellate panel, Judge David Stras said that although judges normally enjoy absolute immunity, judicial immunity is overcome when a judge acts outside of his or her judicial capacity or exercises judicial authority without

jurisdiction.

“Judge Eighmy crossed the line, however, when he personally escorted the kids to jail, stood there while they removed their clothes and belongings, and personally came back an hour later to release them,” Stras wrote. “For one thing, the children were not even present in the courtroom, so he could not hold them in contempt for ‘[d]isorderly, contemptuous or insolent behavior.’ For another, judges do not do double duty as jailers. So even assuming Judge Eighmy could have ordered someone else to take the kids to jail, he could not put them there himself.”

However, the appellate panel ruled in Eighmy’s favor in relation to a second incident in which he ordered the children jailed in Louisiana, where they were living with their father at time, after they failed to show up for a subsequent custody hearing. The children were soon released after the Missouri Supreme Court vacated Eighmy’s order. The appellate panel said Eighmy is entitled to judicial immunity for that incident because he was acting within his jurisdiction, even though he erroneously interpreted the law in ordering the children’s arrest.

The matter now returns to a federal district judge in Springfield for further proceedings on the first incident. The case is *D. Bart Rockett, as next friend of his minor children, K.R. and B.R. v. The Honorable Eric Eighmy.*



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COMMUNITY NEWS AND HAPPENINGS





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**The reward has been raised to
\$30,000 for Dominic**



**GREATER KANSAS CITY CRIME STOPPERS
816-474-TIPS HOTLINE**

**PRESS RELEASE
FOR IMMEDIATE RELEASE**

FROM: Det. Kevin Boehm, Crime Stoppers Coordinator

SUBJECT: Reward Increase – 9 Year Old Dominic Young Homicide

KANSAS CITY, MO --- The Kansas City, Missouri Police Department and the Greater KC Crime Stoppers TIPS Hotline continue to seek information in the January 20, 2018 homicide of 9 year old Dominic Young Jr. at 71 Highway and Emanuel Cleaver II Blvd.

Dominic Young Jr. was apparently hit by a stray gunshot while occupying a vehicle driven by his father and died as a result of his injuries. Dominic, his father and brother were en route to Grandview at the time. The vehicle driven by Dominic's father was hit by gunshots from other vehicles apparently engaged in a gunfight according to statements.

KCPD found a possible crime scene near the intersection where the father said the shooting happened. When the father arrived home in Grandview, Dominic was not responsive. Grandview police initially responded to the father's home and found the boy in critical condition. He was later pronounced dead at a hospital.

A number of community leaders and organizations including State Representative Richard Brown, Mayor Pro Tem Kevin McManus, former City Councilmen Scott Taylor, Scott Wagner, John Sharp; the City of KCMO and Concord Fortress of Hope Church (Pastor Ron Lindsay) have come forward to increase the existing reward in the case up to \$30,000.00. Those leaders are available for comment in regard to the case.

Anyone with information is urged to contact Crime Stoppers Greater Kansas City TIPS Hotline at 816-474-TIPS (8477), TIPS may also be submitted electronically at www.KCcrimestoppers.com, or by downloading our NEW mobile app, P3TIPS, on Google Play or the Apple iOS stores for FREE. Information leading to an arrest and/or filing of charges could be eligible for up to \$30,000.00 in reward money. ALL INFORMATION IS ANONYMOUS.



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Tips Hotline

816-474-8477

Web Tips

www.KCcrimestoppers.com

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*** A program of the KC Metropolitan Crime Commission**

My office in Jefferson City is available to assist you with questions you may have about state government or legislative issues. Please call, email or write anytime. If you are unable to reach me, my assistant, Donna Gentzsch is ready to help you. If you are in Jefferson City, come by my Capitol office in room 134, and introduce yourself. The door is always open and I encourage you to visit.

Please forward this email to your friends and family who want to know how what is happening in Jefferson City will impact them here at home.

Rep. Richard Brown

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