

**Capitol Report** 

May 25, 2023

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With Memorial Day weekend approaching, I hope everyone has a wonderful time with their friends and loved ones while remembering the courageous men and women who gave their lives for our freedom. Let's also take a moment to honor the veterans who are currently serving our country and the families they are separated from. Their sacrifices ensure our nation's safety.

### Dear Neighbor,

With only 41 non-appropriation bills getting Truly Agreed and Finally Passed this year, I was disappointed that some of the legislation I hoped would make it to the finish line did not. And, some of the legislation I hoped wouldn't pass did.

In this newsletter I'm giving you a brief synopsis and overview of some of the bills that were passed and others that did not.

Now that the legislative session has ended, I will continue to send out

newsletters during the interim, but they will be less frequent. I will continue to work in our district and across the state during our legislative break for our common good.

Yours in Service,

Rich



### **SELECT 2023 LEGISLATION OF NOTE**

#### **GOOD LEGISLATION THAT PASSED**

**ADVANCED PRACTICE REGISTERED NURSES (HB 115/HB 402/SB 157):** Expands the scope of practice for advanced practice registered nurses.

**PHYSICAL THERAPISTS (HB 115/SB 51/SB 157):** Eliminates an existing prohibition on physical therapists treating a patient unless the patient has been referred by a physician.

**LANGUAGE DEVELOPMENT (HB 447):** Requires the Missouri Department of Elementary and Secondary Education to establish language developmental milestones for children under age five who are diagnosed as deaf or hard of hearing.

**ADOPTION TAX CREDIT (SB 24):** Expands state tax credits for nonrecurring expenses relating to adoption.

**EARLY CHILDHOOD EDUCATION (SB 24):** Authorizes the Missouri Department of Elementary and Secondary Education to provide grants to expand the availability of preschool services.

**POST-PARTUM CARE (SB 45/SB 106):** Expands coverage for post-partum care under Medicaid from 60 days to one year.

**PATIENT EXAMINATIONS (SB 45/SB 106):** Prohibits medical providers from conducting a prostate, anal or pelvic examination on an anesthetized or unconscious person without their prior consent.

**CLIFF EFFECT (SB 45):** Establishes a transitional benefits program for recipients of social safety net programs or child care subsidies to end the "cliff effect" that results in participants losing all of the benefits due to a small increase in their income.

**ENTERTAINMENT TAX CREDITS (SB 94):** Establishes tax breaks to encourage film and television productions to shoot in Missouri and the creation of other entertainment industry jobs.

**BREAST EXAMINATION (SB 106):** Prohibits insurers from requiring patient cost-sharing for diagnostic breast examinations, supplemental breast examination or low-dose mammography screenings.

**TIME SERVED (SB 186/SB 189):** Clarifies that inmates receive full credit toward any prison sentence for time served in jail while awaiting trial.

**POLICE TRAINING (SB 186):** Increases minimum state training requirements for law enforcement officers.

**POLICE ACCOUNTABILITY (SB 186):** Expands the grounds for which the Missouri Department of Public Safety director may discipline law enforcement officers.

**TAXES ON SENIOR CITIZENS (SB 190):** Fully exempts Social Security benefits from state taxation and provides a property tax credit to eligible senior citizens for a home they both own and reside in.

**BLAIR'S LAW (SB 189):** Increases criminal penalties for negligently engaging in celebratory gunfire within a municipality.

**MOTOR VEHICLE SALES TAXES (SB 398):** Requires sales taxes on motor vehicles to be collected by the dealer at the point of sale instead of at the time the vehicle is licensed with the state.

**ELECTRONIC DEVICES (SB 398):** Prohibits texting or using a cell phone while driving, unless the driver is using a hands-free device or making a call to report an emergency situation.

**LOCAL GUN LAWS (HB 33):** Sought to authorize local governments to enact firearms regulations deemed appropriate for their community.

**EQUAL PAY (HB 214):** Sought to prohibit employers from engaging in gender-based pay disparities.

**PERIOD PRODUCT/DIAPER TAXES (HB 290/HB 744):** Sought to exempt feminine hygiene products and diapers from state and local sales taxes.

**HIGH-CAPACITY MAGAZINES (HB 319):** Sought ban the possession, manufacture, sale or transport of high-capacity magazines for firearms.

**FOOD TAX (HB 377):** Sought to exempt food from state and local sales taxes.

**RED FLAG LAW (HB 421):** Sought to allow family members or law enforcement officers to petition a court for an "extreme risk protection order" to allow law enforcement to seize firearms from people deemed to be a significant risk to themselves or others.

**LAW ENFORCEMENT (HB 460):** Sought to repeal provisions of existing statute penalizing Missouri law enforcement agencies from cooperating with federal officials on firearms investigations.

**REPRODUCTIVE RIGHTS (HB 544):** Sought to repeal a 2019 state law banning abortion in most circumstances, including in cases involving rape or incest.

**SPORTS GAMBLING (HB 556):** Sought to legalize wagering on sporting events.

**FOREIGN FARMLAND OWNERSHIP (HB 903):** Sought to restrict the ownership of Missouri farmland by foreign countries or businesses.

**CHILD CARE TAX CREDIT (SB 268):** Sought to establish state tax credits to expand the availability to child care services.

**MISSOURI NONDISCRIMINATION ACT (SB 60):** Sought to prohibit discrimination based on sexual orientation or gender identity in employment, housing, banking or public accommodations.

#### **BAD LEGISLATION THAT PASSED**

**TRANSGENDER SPORTS (SB 39):** Prohibits transgender athletes from participating on school-sponsored sports teams that don't correspond with their birth gender. The restriction applies to all public and private K-12

schools, as well as colleges and universities.

**TRANSGENDER MEDICAL CARE (SB 49):** Makes it illegal to provide gender-affirming medical care to children.

**POLICE DOGS (SB 186):** Significantly enhances criminal penalties for harming a police animal, including making it a felony if the animal requires any level of veterinary care, without regard to whether the harm was inflicted by someone acting in self-defense.

#### **BAD LEGISLATION THAT DIDN'T PASS**

**CONSTRUCTION WORK IN PROGRESS (HB 225):** Sought to allow investor-owned electric utilities to charge customers for the costs of planning and building a nuclear power plant, repealing voter-enacted restrictions that bars such costs from being passed on to customers until a plant is operational.

**OPEN ENROLLMENT (HB 253):** Sought to allow students to attend public schools in districts other than the one in which they reside.

**GUNS ON BUSES (HB 282):** Sought to allow firearms to be carried on mass transit.

**GUNS IN CHURCHES (HB 282):** Sought to allow firearms to be carried in churches without the permission of the pastor.

**ST. LOUIS PROSECUTOR TAKEOVER (HB 301):** Sought to allow the governor to appoint a special prosecutor who would takeover jurisdiction over the prosecution of certain violent crimes and supplant St. Louis city's elected circuit attorney.

**GUN RIGHTS FOR FELONS (HB 301):** Sought to restore full gun rights to felons convicted of non-violent offenses.

**LICENSE FEE HIKES (HB 424):** Sought a 50-percent increase in the fees charged by the privately operated vehicle and driver's license offices.

**ST. LOUIS POLICE TAKEOVER (HB 702):** Sought to restore state control over the St. Louis Metropolitan Police Department, which ended after 152 years when Missouri voters approved a statewide ballot measure in 2012 restoring local control.

**INITIATIVE LIMITS (HB 703):** Sought to impose a variety of procedural hurdles and restrictions intended to make it harder to place measures on the statewide ballot using the initiative petition process.

**CORPORATE INCOME TAX (HB 816):** Sought to completely eliminate Missouri's 4 percent income tax, costing the state at least \$711 million a year in lost revenue.

**INDIVIDUAL INCOME TAX (HB 816):** Sought to further reduce Missouri's main individual income tax rate, which is already slated to drop to 4.5 percent, to 4.05 percent, costing the state an estimated \$518 million in lost revenue.

**RAILROAD TAX CREDIT (HB 939):** Sought to provide special tax breaks for the railroad industry.

**PSC EXPANSION (HB1044):** Sought to expand the Missouri Public Service Commission, the regulatory authority for investor-owned utilities, from five to 11 members and reserve three of those positions for agricultural industry representatives.

**DIVERSITY, EQUITY AND INCLUSION (HB 1196):** Sought to prohibit colleges and universities from promoting diversity, equity and inclusion.

**ROAD FUND TAKEOVER (HJR 37):** Sought to strip the Missouri State Highways and Transportation Commission of its constitutional authority over the allocation of road and bridge funding and give that authority to state lawmakers.

**CONSTITUTIONAL AMENDMENTS (HJR 43):** Sought to increase the threshold for ratifying an amendment to the constitution from a simple majority to a 57 percent supermajority.

**CENSORING HISTORY (SB 4):** Sought to prohibit teaching about teaching about racism in American history and its impact on modern day and require the Missouri Department of Elementary of Secondary Education to develop a training program for teachers that emphasizes teaching patriotism.

#### OTHER LEGISLATION THAT PASSED

ASSISTANT PHYSICIANS (HB 115/HB 402): Requires assistant physicians to be a graduate of an accredited medical school instead of any medical school, including those that aren't accredited.

**STATE EMPLOYEES (HB 417):** Specifies that state agencies shall not deny otherwise qualified job applicants from consideration solely based on an applicant's lack of a college degree.

NAME, IMAGE AND LIKENESS (HB 417/HB 447): Modifies the state law

regulating the ability of college athletes to enter into licensing agreements for use of their "name, image and likeness" to allow for more involvement by and cooperation with an athlete's school.

**ST. LOUIS POLICE RESIDENCY (SB 186):** Makes permanent a provision of law set to expire this year that allows St. Louis city police officers to reside outside of the city.

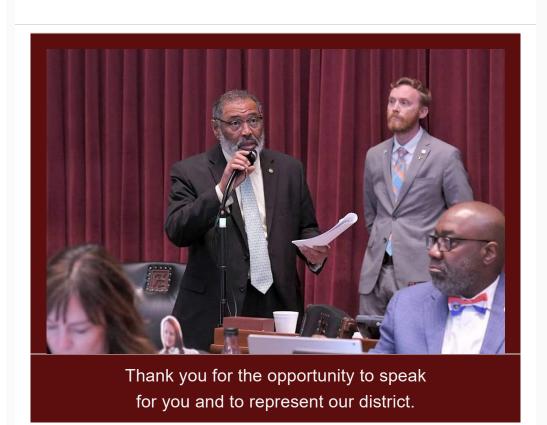
#### OTHER LEGISLATION THAT DIDN'T PASS

**PRESIDENTIAL PRIMARY (HB 267/SB 96):** Sought to reinstate Missouri's presidential preference primary, which the legislature eliminated in 2022.

**FIVE-DAY SCHOOL WEEK (SB 411):** Sought to require voter approval for school districts located in charter counties or cities with at least 30,000 to switch to a four-day school week.

**VIDEO LOTTERY TERMINALS (SB 1):** Sought to legalize slot machine-type games deemed illegal by the Missouri Gaming Commission and State Highway Patrol.

#### To read more on the bills click here





## Governor signs \$2 billion supplemental budget bill into law

Gov. Mike Parson on May 15 signed into law a supplemental appropriations bill that authorizes more than \$2 billion in additional state spending for the final months of the 2023 fiscal year, which ends June 30. Lawmakers granted final approval to the measure on May 5.

Major spending items in House Bill 15 include \$425.16 million for the voter-approved expansion of Medicaid eligibility, \$217.94 million for school nutrition programs, \$119.14 million for child care services and \$74.38 million in state funding for local charter schools.

The governor has yet to act on the various appropriations bills that make up the \$51.51 billion state operating budget for the 2024 fiscal year. As a practical matter, Parson must sign those measures before the new fiscal year begins July 1.



## Speaker says initiative limits

### intended to thwart abortion vote

In an extraordinary admission, House Speaker Dean Plocher on May 12 conceded Missouri voters "absolutely" will restore abortion rights if given the chance and that blocking them from doing so was majority Republicans' motivation this year for trying to make it more difficult to use the initiative petition process to amend the state constitution.

Legislation imposing restrictions on the initiative was a top Republican priority but failed to win final passage after GOP infighting ground the Senate to a halt during the final days of the 2023 legislative session. Republicans increasingly have complained about the initiative after voters used it several times in recent years to bypass the legislature to enact policies – such as Medicaid expansion, legislative ethics reform and marijuana legalization – that enjoyed wide support among Missourians but were opposed by GOP lawmakers.

During a news conference just hours before the legislative session ended, however, Plocher, R-Des Peres, admitted Republicans wanted to pass restrictions this year to thwart the restoration of abortion rights. Supporters of reproductive freedom are planning an initiative petition to put a proposed constitutional amendment on the 2024 statewide ballot to protect abortion rights at the state level after the U.S. Supreme Court's far-right majority eliminated the national right to abortion last summer, allowing Missouri's near-total ban on the procedure to take effect.

"I think we all believe that an initiative petition will be brought forth to allow choice," Plocher said. "I believe it will pass. Absolutely." Since 1820, constitutional amendments have required just a simple majority of votes cast for ratification in Missouri. In its final form, House Joint Resolution 43 sought to raise the ratification threshold to 57 percent.

To trick voters into restricting their own power, the measure included a provision purporting to block noncitizens from voting on constitutional amendments. Since the Missouri Constitution already prohibits non-citizens from voting, the provision merely served as so-called "ballot candy" designed to deceive voters into supporting the measure even though they might oppose its main purpose. The legislatively drafted ballot language for HJR 43 listed the ballot candy first while mentioning the increased ratification threshold last.

The House of Representatives approved the final version of HJR 43 on May 9 by a near-party line vote of 107-55, with just four Republicans joining unanimous Democrats in opposition. The measure was one Senate vote away from going on the ballot but was never came up for debate after hardline conservatives spent most of the session's last week holding the Senate floor to air various grievances, thus blocking the chamber from considering legislation. If HJR 43 had gone on the statewide ballot, ratification would have required a simple majority.



AG withdraws attempt to ban

### gender-affirming medical care

Ahead of another expected defeat in court, Attorney General Andrew Bailey on May 16 quietly terminated an emergency administrative rule he sought to impose that essentially would have banned gender-affirming medical care in Missouri. A St. Louis County judge had already temporarily blocked the rule from taking effect and in doing so indicated Bailey's action amounted to unconstitutional legislating by an executive branch official.

Circuit Judge Ellen Ribaudo blocked Bailey's rule a day before it was slated to take effect April 27. Bailey, a Republican appointed to the office in January, claimed authority under the Missouri Merchandising Practices Act – a consumer protection law traditionally used to crack down on deceptive business practices or the sale of defective products – to regulate medical care for transgender patients. In her order blocking the rule, Ribaudo cast doubt on that claim, saying Bailey's action "may impermissibly invade a function reserved for the legislature" by attempting to write substantive law under the guise of an administrative rule.

As of May 18, a hearing in the case was still scheduled for July 24. Since Bailey has withdrawn his rule, the judge could dismiss the case as moot. However, the plaintiffs, who include transgender patients and medical providers, might still push for a final ruling to prevent Bailey from pursuing similar actions in the future.

Hours after news of the rule's withdrawal became public, Bailey issued a statement asserting the rule is no longer necessary now that the Republican-controlled legislature has passed legislation restricting gender-affirming health care for minors. However, while the legislation, Senate Bill 49, is limited to barring certain types of care only for those under age 18, Bailey's rule was far more expansive and also

would have applied to adults.

Gov. Mike Parson, a Republican, is expected to sign SB 49 into law. He is also expected to sign a companion measure, Senate Bill 39, passed this year to prohibit transgender children, as well as college athletes, from participating on sports teams that don't correspond with their birth gender.



## House clears child care property tax exemption for ballot

The House of Representatives on May 12 voted 97-27, with 31 members voting "present," to put a proposed constitutional amendment on the statewide ballot that would authorize the legislature to broadly exempt from taxation all real and personal property primarily used for child care. The Senate previously approved the measure in March on a 33-0 vote.

Senate Joint Resolution 26 would limit any tax exemptions to property used for child care outside of the home. As a result, families could not claim a tax exemption for property used to for in-home child care.

SJR 26 will automatically go on the November 2024 ballot for voter ratification, unless the governor exercises his constitutional prerogative to set an earlier election date.



## AG tells KC police to enforce bill they lack power to enforce

Missouri Attorney General Andrew Bailey on May 23 urged the Kansas City Board of Police Commissioners to use officers to enforce recently passed legislation prohibiting medical practitioners from providing gender-affirming care to transgender children. However, as Kansas City's police chief noted days earlier, officers lack the legal authority to enforce the measure since it contains no criminal provisions, thus putting the matter beyond police jurisdiction.

In a letter to Board President Mark Tolbert, Bailey, a Republican, claimed a failure by the board to enforce the legislation, which Gov. Mike Parson hasn't yet signed into law and that won't take effect until Aug. 28, would be "both

dangerous and unlawful." Bailey's letter was in response to a largely symbolic resolution the Kansas City Council passed on May 11 declaring the city to be a sanctuary for those seeking or providing gender-affirming care and stating that enforcing any state law against such care would be the "lowest priority" for city personnel.

However, Senate Bill 49, which the Republican-controlled Missouri General Assembly granted final passage on May 10, gives no enforcement role to either municipal governments or law enforcement. Instead, alleged violations would be an administrative matter punished by the revocation of a medical provider's state-issued license. As a result, enforcement would fall to various licensing authorities under Missouri Department of Health and Senior Services.

According to The Kansas City Star, Kansas City Police Chief Stacey Graves issued a public statement prior to Bailey's letter saying the lack of criminal provisions in SB 49 leaves nothing for police to enforce.

"These provisions are outside the jurisdiction of the Kansas City Missouri Police Department," Graves said. "I want to assure Kansas City, we will continue to serve all the members of the community equitably regardless of race, ethnicity, age, religion, gender, gender identity, gender expression or sexual orientation."

Nonetheless, Bailey, who Parson appointed as attorney general in January to fill a vacancy, took a hard line in his letter against Kansas City police failing to enforce a yet-to-be-law that gives police no enforcement authority.

"It is the Board's constitutional duty to enforce the law and ensure that children are protected from these dangerous, experimental gender transition interventions," Bailey wrote. "As Missouri's top legal officer, I will take any legal action necessary against the City to ensure our state laws are enforced."

Bailey's letter continues a pattern in which he has advocated or untaken actions contrary to state law. While serving as the governor's general counsel in 2021, Bailey urged Parson to falsely accuse a St. Louis Post-Dispatch reporter of criminal hacking after the reporter — who examined publicly accessible information on a state website — discovered a security flaw that exposed the personal information of thousands of Missouri teachers. A State Highway Patrol investigation into the matter ordered by Parson uncovered no evidence of wrongdoing, and the Cole County prosecutor declined to file charges.

More recently, Bailey attempted to use a state consumer protection law to unilaterally impose an administrative rule effectively banning all gender-affirming care in Missouri. Bailey quietly terminated the rule on May 16 after a St. Louis County judge blocked its enforcement on the grounds that Bailey had unconstitutionally attempted to usurp legislative authority.



## Parson appoints veteran attorney as St. Louis prosecutor

Gov. Mike Parson on May 19 appointed Gabe Gore as St. Louis city circuit attorney. Gore, a partner in the politically connected Dowd Bennett law firm, replaces Kim Gardner, who resigned the post three days earlier.

Gore, 54, worked as a federal prosecutor in the 1990s. In 1999, Special Counsel John Danforth, a Republican former U.S. senator from Missouri, recruited him to assist with Danforth's high-profile investigation into federal agents' 1993 siege and subsequent raid of the Branch Davidian compound near Waco, Texas. Gore later spent 23 years in private practice.

In 2014, then-Gov. Jay Nixon, a Democrat, appointed Gore to serve on the Ferguson Commission, which was created in the aftermath of the widespread protests and demands for law enforcement and municipal court reform following the police shooting of an unarmed Black teen in August of that year. In 2015, Nixon appointed Gore as a Democrat to the Missouri State Board of Governors, a post he still holds even though his term expired in January 2021.

Gore will serve out the remainder of Gardner's term as circuit attorney, which runs through the end of 2024.

According the St. Louis Post-Dispatch, he hasn't decided whether he will be a seek election to full term next year.

In early May, Gardner announced her plans to resign effective June 1 in exchange for state lawmakers dropping legislation that sought to strip the St. Louis Circuit Attorney's Office of its authority to prosecute violent crime and instead hand those duties to a special prosecutor selected by the governor. However, Gardner, whose five-plus-year tenure

was marked by accusations of dysfunctionality and an exodus of experienced prosecutors from the office, abruptly stepped down May 16, more than two weeks earlier than expected.



## Supreme Court hears challenges to school attendance law

The Missouri Supreme Court heard a pair of cases on May 24 that argue the state's compulsory school attendance law is unconstitutionally vague in violation of the due process rights of two Laclede County women convicted in separate cases of failing to ensure their children attended school on a "regular basis."

Both women were charged in March 2022 in cases involving children in the Lebanon School District. The mother of one first-grader was convicted and sentenced to seven days jail in jail. The other mother, of a kindergartener, was given a suspended 15-day jail sentence and placed on probation. In both cases, the district initiated enforcement action after each child had missed 15 full days of school. For at least one of the children, some of the absences were due to illness, which the district doesn't consider excused unless there is a doctor's note.

Although state law requires children to attend school on a "regular basis," the attorney for both women argued the lack of a definition for that term renders the statute unconstitutionally vague and leads to arbitrary and discriminatory enforcement. The women also argued the state failed to prove they "knowingly" violated the law, a legal standard required under a 2005 state Supreme Court ruling for convictions under the compulsory school attendance statute. The court will rule in the cases at a later date.



## Could you be the owner of unclaimed property?

Banks, businesses, and insurance companies turn over Unclaimed Property to the Treasurer's office after accounts have been inactive and owners cannot be successfully contacted for a statutorily defined period of time, generally five years.

1 in 10 Missourians has Unclaimed Property and the average return is \$300. The Treasurer's Office never charges to return Unclaimed Property.

To file a claim or check to see if you have unclaimed property, you can visit <a href="https://www.showmemoney.com">www.showmemoney.com</a>



## PEACE FOR & UKRAINE





## FIFTH DISTRICT COMMUNITY MEETING

Monday, June 5, 2023 6:00 PM - 7:30 PM Southeast Community Center, 4201 E. 63rd St., Kansas City, MO 64130

#### WITH GUEST SPEAKER(S):

Name: Chris Handzel Title: Project Manager, HNTB Topic: South Loop Project

Name: Uday Manepalli Title: Utility Manager, Public Works Department Topic: Sidewalk Update

Name: Jackson County Legislators Topic: Property Tax Assessment Update

### Obtaining the status of your tax return

The Missouri Return Inquiry System provides information regarding the status of your Missouri tax return. After entering your information, you will also have the

option of being notified by text or email when the status of your tax return changes. You may only view the status of 2018 or later year returns.



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 <a href="https://www.KCcrimestoppers.com">www.KCcrimestoppers.com</a>, 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.



# Remain Anonymous • Receive Cash Rewards Tips Hotline 816-474-8477

Web Tips

www.KCcrimestoppers.com

Free Mobile App www.P3Tips.com

\* 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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