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DISTRICT 14 **ASHLEY AUNE**
STATE REPRESENTATIVE

CAPITOL REPORT

August 20, 2023



I joined several colleagues at the Missouri State Fair last week!

Hello K.D.,

I hope this email finds you well! I had a chance to spend some time at the Missouri State Fair last week before the heat descended upon our great state... I hope you're staying cool this week!

As always, thanks for checking in. Please don't hesitate to reach out if there's anything I can do for you.

Take Care,



Representative Ashley Aune
District 14 | (573) 751-3618

Legislative Update

BAN ON TEXTING, CELL PHONE USE WHILE DRIVING SET TO TAKE EFFECT

Later this month, Missouri will finally shed its dubious status as **one of the last states that doesn't prohibit all motorists from using a cell phone or texting while driving**. But although a [new law](#) largely banning the use of electronic devices while behind the wheel takes effect Aug. 28, police will only be able to issue warnings for violations until Jan. 1, 2025.

Under Senate Bill 398, police will be prohibited from pulling over or detaining someone solely for using a cell phone or texting while driving. Instead, police can only cite someone for a violation if they pull them over for another traffic offense. The law also requires police to inform drivers that they have the right to decline a search of their cell phone or other device and prohibits the issuance of warrants to seize a phone or device in relation to an alleged violation of the law except in instances involving a car crash that results in serious bodily injury or death.

GOP LEGISLATORS FILE LAWSUIT AGAINST ABORTION RIGHTS

FINANCIAL INDUSTRY GROUP SUES ASHCROFT OVER INVESTMENT RULES

A trade group representing financial advisors is asking a federal judge to block regulations Republican Missouri Secretary of State Jay Ashcroft recently imposed in an attempt to prohibit socially conscious investment practices. The group says Ashcroft's regulations are pre-empted by federal law, **violate the free speech rights of investors and are unconstitutionally vague**.

The Securities Industry and Financial Markets Association filed its lawsuit in federal district court in Jefferson City on Aug. 10. Ashcroft's new rules, which took effect July 30, prohibit financial firms and their employees from offering investments and advice "that are not solely focused on maximizing a financial return" for the client.

The lawsuit specifically alleges the federal National Securities Markets Improvement Act of 1996, which Congress enacted to provide consistent nationwide regulations for financial firms, bars states from regulating the activities of such firms, except for investigating allegations of fraud or deceit.

PETITION

The Republican effort to prevent a proposed constitutional amendment protecting abortion rights from making it on the statewide ballot next year took a new turn Aug. 7 when a pair of [GOP lawmakers](#) filed a lawsuit claiming the fiscal summary accompanying the measure inadequately estimates the costs to taxpayers.

The arguments by state Sen. Mary Elizabeth Coleman, R-Arnold, and state Rep. Hannah Kelly, R-Mountain Grove, mirror those Attorney General Andrew Bailey made in his unsuccessful fight to force State Auditor Scott Fitzpatrick to rewrite the fiscal estimate his office prepared for the measure. Bailey wanted the fiscal note to falsely say ratifying the abortion rights amendment would cost the state \$12.5 billion a year in lost revenue. Fitzpatrick said the measure would have no fiscal impact on the state, with one local government possibly incurring \$51,000 in costs.

The Missouri Supreme Court ended the dispute on July 20 when it ruled **Bailey had no authority to order Fitzpatrick to make changes** since the attorney general's role is limited to ensuring the fiscal estimate is in the proper legal form, which Fitzpatrick's was. However, the court didn't address the merits of whether Fitzpatrick's estimate is incorrect, which the two anti-abortion rights lawmakers assert in their lawsuit.

The case disputing the fiscal estimate likely will delay circulation even further. No hearing has yet been set in the matter, which is assigned to a different Cole County judge. The new case is *Hannah Kelly, et al., v. Scott Fitzpatrick, et al.*

STATE AUDITOR INVESTIGATES STATE'S MARIJUANA REGULATORS

State Auditor Scott Fitzpatrick has quietly launched an audit of the Missouri Department of Health and Senior Services over its implementation of the state's medical and recreational marijuana programs. The audit was neither regularly

The plaintiffs are asking the court to declare the rules unconstitutional and permanently enjoin Ashcroft and his office from enforcing them. No hearing has yet been set in the case, *Securities Industry and Financial Markets Association v. John R. Ashcroft and Douglas M. Jacoby*.

SUPREME COURT REVIVES CASE OVER PUBLIC HEALTH REGULATIONS

The Missouri Supreme Court on Aug. 15 unanimously ruled **Jackson and St. Louis counties have the legal right to intervene in a case invalidating some state regulations relating to pandemic responses** that the state's former attorney general invoked in an attempt to browbeat local governments into rescinding their COVID-19 mitigation measures.

In late 2021, a Cole County Judge Dan Green ruled unconstitutional several Missouri Department of Health and Senior Services regulations authorizing local officials to respond to public health emergencies. The court vacated Green's original ruling and ordered him to allow the counties to intervene in the case, *Shannon Robinson, et al., v. Missouri Department of Health and Senior Services, et al.*, going forward.

HIGH COURT UPHOLDS COMPULSORY SCHOOL ATTENDANCE LAW

The [Missouri Supreme Court](#) on Aug. 15 unanimously rejected **claims that the state's compulsory school attendance law is unconstitutionally vague**. The case involved the appeals of two Laclede County women separately convicted of failing to ensure their children attended school "on a regular basis."

Writing for the court, Judge Robin Ransom said although the term isn't defined in statute its meaning is clear to any reasonable person of normal intelligence.

The court also ruled the state had proved both plaintiffs had "knowingly"

scheduled nor publicly announced but is listed on the office's website among audits currently in progress, the Missouri Independent reported on Aug. 15.

Missouri voters ratified a constitutional amendment legalizing marijuana for medical use in 2018 before authorizing it for recreational purposes with a follow up amendment in 2022. The health department has faced substantial criticism over its role in regulating the state's legal marijuana industry, including allegations of inconsistency and political favoritism in how it awarded the limited number of licenses it chose to issue for marijuana growers, distributors and retailers.

FY 2024 BEGINS WITH NET GENERAL REVENUE DOWN 7.4 PERCENT

Net state general revenue collections for the first month of the 2024 fiscal year decreased 7.4 percent compared to the first month of FY 2023, going from \$970.3 million last year to \$898.7 million this year. FY 2023 ended June 30 with net collections up 2.7 percent over FY 2022.

The anticipated decline was largely due to a substantial income tax cut the Republican-controlled Missouri General Assembly enacted last fall that took effect in January. Comparing July 2023 to July 2022, individual income tax collections dropped 19.5 percent while corporate income and franchise tax collections were down 17.6 percent.

violated the law, a legal standard for convictions under the compulsory school attendance statute required by a 2005 Supreme Court precedent. The cases, which were consolidated on appeal, are *State of Missouri v. Caitlyn Cordell Williams* and *State of Missouri v. Tamarae Lynn Larue*.

FORMER HOUSE SPEAKER JIM KREIDER DIES OF CANCER AT AGE 68

Jim Kreider, the last Democrat to serve as speaker of the Missouri House of Representatives, died Aug. 1 from cancer. He was 68 years old.

Born in Nuremberg, Germany, on June 24, 1955, Kreider grew near the southwest Missouri town of Nixa. After graduating from Southwest Missouri State University in 1977 with a degree in agricultural business and economics, Kreider continued working the family's farm, which remains in operation.

Kreider became the first Democrat elected in Christian County since 1904 when he won election to the House in 1992. He quickly ascended in House leadership, serving as speaker pro tem, the chamber's No. 2 position, from 1997 through 2000 before being elected House speaker by his fellow lawmakers in 2001. According to the obituary posted by the Adams Funeral Home in Nixa, Kreider is survived by his wife Debbie Kreider, two daughters and four grandsons.

Kansas City Residents

PUBLIC IMPROVEMENTS ADVISORY COMMITTEE

PUBLIC HEARINGS

FIRST DISTRICT

Thursday, Aug. 24
6 - 8 p.m.
KCPD North Patrol
11000 NW Prairie View Rd

Monday, Sept. 11
6 - 8 p.m.
Shoal Creek Golf Course
8905 Shoal Creek Pkwy

KCMO.GOV/PIAC



PUBLIC IMPROVEMENTS ADVISORY COMMITTEE

PUBLIC HEARINGS

SECOND DISTRICT

Thursday, Aug. 31
6 - 8 p.m.
Northland Neighborhoods
5340 Chouteau Trafficway

Tuesday, Sept. 12
6:30 - 8 p.m.
Hopewell Elementary School
6801 N Line Creek Pkwy

KCMO.GOV/PIAC



PUBLIC IMPROVEMENTS ADVISORY COMMITTEE (PIAC) MEETINGS

Join newly-elected Kansas City Council Members for public hearings to share community improvement suggestions.

Eligible Requests:

- stormwater drainage/flooding
- bridges
- public property improvements
- street/roadway improvements
- municipal building improvements
- community centers
- street lighting and traffic lights
- sidewalks, curbs, and gutters
- park facility improvements
- monuments and fountains
- ball fields and swimming pools

If you are unsure about the eligibility of your request, feel free to reach out to the PIAC Office to inquire:

piac@kcmo.org
(816) 513-1062

LEARN MORE

To find out which council district you're in, [click here](#) and tap the "What District am I in?" tab where you can type your address into the search box

Health and Wellness



MISSOURI DEPARTMENT OF HEALTH AND SENIOR SERVICES

📞 If your health was calling, would you pick up the phone? Don't be scared to make the call yourself! Call or text 800-TEL-LINK (800-835-5465) to get connected to the closest WIC agency, tobacco cessation specialist, crib provider, dental clinics and more. Your health will thank you.



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