



September 29, 2023

## Capitol Report

Hi All,

Fall is here and it's time for cooler weather and Chiefs football. It's also time for preparation for next session to get into full swing. I've been taking meetings with state departments and advocates to ensure my legislation is as effective as possible. I'm excited to present new pieces of legislation that will make improve the lives of all Missourians. Reach out to my office and let us know what issues are important to you this session. The voice of the people are the most important in this process and I welcome you to be a part of it! Enjoy your weekend, and as always, I'll keep you posted,

Sincerely,



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# **This Week in Jefferson City**

## **Judge rewrites ballot language for abortion rights initiative**

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 Republican Secretary of State Jay Ashcroft's attempt to falsely portray the effort as allowing "dangerous, unregulated, and unrestricted abortions from conception to live birth," among other deceptive descriptions. In a separate but related ruling issued the same day, the judge also rejected efforts by two Republican lawmakers to drastically inflate the proposals' official cost estimates. Both cases are expected to be appealed 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's rightwing majority 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 deceptive ballot language. Only one version will be circulated for signatures once the litigation surrounding the matter is settled. Circuit Judge Jon Beetem, also a Republican, 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 Sen. Mary Elizabeth Coleman, R-Arnold, and state Rep. Hannah Kelly, R-Mountain Grove, challenged the fiscal estimates prepared for the measures by State Treasurer Scott Fitzpatrick. Fitzpatrick, also a Republican, 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 falsely 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*; the fiscal estimate case is *Hannah Kelly, et al., v. Scott Fitzpatrick, et al.*

## **High court considers challenge to law targeting homeless**

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 the time of 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 sided with the state and ruled HB 1606 is constitutionally valid. The Republican-controlled General Assembly enacted HB 1606 over the objections of groups that work with the homeless, who 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 also 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, a Republican, signed it into law anyway. The case is *Jonathan Byrd, et al., v. State of Missouri*

### **KC mayor asks Supreme Court to nullify Hancock exemption**

The Missouri Supreme Court on Sept. 27 heard arguments in a case seeking to invalidate voters' ratification of a constitutional amendment last year that empowers state lawmakers to impose police-related unfunded mandates on Kansas City taxpayers. Amendment 4, which the Republican-controlled General Assembly placed on the November 2022 ballot, carved out an exemption to a provision of the Missouri Constitution's Hancock Amendment that prohibits state lawmakers from forcing unfunded mandates on local governments. Amendment 4 created a four-year window during which lawmakers can dictate minimum funding levels for the Kansas City Police Department, which is controlled by the state but entirely funded by city taxpayers. Even though 61.4 percent of Kansas City voters opposed Amendment 4, it won ratification anyway with 63.2 statewide support. Kansas City Mayor Quinton Lucas filed a lawsuit challenging the official fiscal estimate that appeared on the ballot and claimed local governments would incur "no additional costs" from Amendment 4 – even though the sole purpose of the measure was to force Kansas City to spend more on the police department. In advance of the last year's vote, city officials estimated Amendment 4 would require the city to spend at least \$64 million more on policing than it already did and force cuts to other municipal spending as a result. Because of the ballot's inaccurate fiscal estimate, Lucas argues Missouri voters were misled. He asked the court to nullify Amendment 4's ratification and order a new election with accurate ballot language reflecting the substantial unfunded costs it would impose on Kansas City taxpayers. 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. The court will issue a ruling at a later date. The case is *Quinton Lucas v. Missouri Secretary of State John R. Ashcroft*.

### **Governor appoints Warren County judge to Court of Appeals**

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. Wright initially was appointed as a Warren County judge by Democratic Gov. Jay Nixon in 2014 but later won election to post as a Republican. Wright replaces veteran appellate Judge Sherri Sullivan, who recently retired after 24 years on the Eastern District bench. Sullivan was the last remaining appellate appointee of former Gov. Mel Carnahan, a Democrat who was Missouri's chief executive from 1993 to 2000, still serving. Wright was one of three finalists for the vacancy selected by the Missouri Appellate Judicial Commission, a seven-member panel that vets applicants. The others were Kathleen Hamilton, a litigation attorney and partner at the HelperBroom law firm in St. Louis and St. Louis County Circuit Court Judge Virginia Lay. With a second vacancy on the Eastern District outstanding, Hamilton and Lay likely will have another chance at being appointed.

## Upcoming Events

**September 29, 2023**

### **Park Hill South Panthers vs. Park Hill Trojans Football**

7701 NW Barry Rd

Kansas City, MO 64153-1791

7:00pm

**September 29th and 30th, 2023**

### **Creekside SoundCheck**

Creekside Infield outdoor venue

15325 Old Town Dr, Parkville, MO 64152

6-8pm

**September 30, 2023**

### **Parkville Farmer's Market**

Parkville Farmer's Market

S East St, Parkville, MO 64152

7am-12pm

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Feel free to contact my office with your questions or requests.  
573-751-9760



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