



October 13, 2023

Capitol Report

Hi All,

There's some big changes happening in the Park Hill School District. Park Hill 2034 is the next phase of their long-range ten year planning initiative for major additions and renovations happening at Park Hill High School, Park Hill South High School, Russell Jones Education Center and the design and build of Elementary 12. During 2023-2024 school year Park Hill will have opportunities for the community's input on decisions on facilities, classrooms and school space, technology and how students and staff use space. Their second [survey](#) is now live and you can visit their [website](#) to keep up with the 4 phases of Park Hill 2034. I'm excited to see our community come together to impact the future of our schools.

Sincerely,



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This Week in Jefferson City

Attorney General claims vacated case still in effect, can't be appealed

Attorney General Andrew Bailey argued in an Oct. 10 legal filing that even though the Missouri Supreme Court vacated a trial judge's decision striking down two state emergency management regulations, the invalidated decision somehow remains in effect and now can't be appealed since the original plaintiffs have voluntarily dismissed the case. As of Oct. 12, the other parties in the case hadn't yet responded to Bailey's audacious claim. Several opponents to state and local restrictions during the COVID-19 pandemic had challenged the Missouri Department of Health and Senior Services regulations and won a favorable ruling from Cole County Circuit Judge Dan Green in November 2021. Although the department wanted to appeal, their attorney – then-Attorney General Eric Schmitt – refused and instead used the case to try to browbeat local governments and school districts into ending all disease mitigation efforts, including those based on other legal authority not challenged in the case. That prompted a long legal battle as Jackson and St. Louis counties sought to intervene for the purpose of appealing Green's ruling. The Missouri Supreme Court ultimately sided with the counties and vacated Green's decision in August. With the case back in Green's court, the original plaintiffs filed a motion on Oct. 6 to voluntarily dismiss it, saying that even though the high court had erased their victory, they no longer wished to pursue the matter. In an unexpected twist, however, Bailey, who replaced Schmitt in January and is now representing the department, filed a motion claiming that even though the Supreme Court wiped out Green's decision, his ruling that the disputed regulations are unconstitutional nonetheless stands and can't be appealed due to the subsequent dismissal by the plaintiffs. "The Supreme Court's opinion does not undo the effects of the (trial) court's original judgment, revive regulations judicially declared as unconstitutional and return Missouri to a pandemic-era state," Bailey's filing says. "The merits of this court's judgment still stand. The counties should operate accordingly." Bailey's assertion that Green's ruling on the merits somehow remains in effect and is not appealable does not square with the Supreme Court's Sept. 1 order informing Green that his original decision is "reversed, annulled and for naught held and esteemed and that the said St. Louis County and Jackson Counties be restored to all things which they have lost by reason of said judgment." Those things include any legal authority lost by Green's invalidation of the rules and the right to challenge a decision adverse to their interests. Bailey's latest maneuvering likely means there will be more months of legal wrangling in the case, *Shannon Robinson, et al., v. Missouri Department of Health and Senior Services, et al.*

Net revenue collections down 2.9 percent so far in FY 2024

Net state general revenue collections for the first quarter of the 2024 fiscal year decreased 2.9 percent compared to the same period in FY 2023, going from \$3.24 billion last year to \$3.14 billion this year. Collections had been down 2 percent through the first two months of FY 2024. Net general revenue collections in September 2023 decreased 4.2 percent compared to September 2022, going from \$1.26 billion last year to \$1.21 billion this year. Even though sales taxes collections increased 15.4 percent compared to last September, declines of nearly 9 percent in both individual and corporate income taxes drove the drop in overall revenue collections for the month.

Feel free to contact my office with your questions or requests.

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