



WEEKLY CAPITOL UPDATE

Monday, June 19th, 2023

COURT BACKS CONSERVATION AGENCY

In a 4-3 decision, the Missouri Supreme Court on June 13 ruled the Missouri Conservation Commission can spend revenue appropriated to it by the General Assembly from a dedicated conservation sales tax for any constitutionally authorized purpose, regardless of whether lawmakers made a specific appropriation for that purpose.

After hearing arguments in the case October 2020, the court took an unusually long time to issue its ruling. The case pitted the constitutional authority of the commission to spend revenue from the 1/8-cent statewide sales tax approved by Missouri voters in 1976 to fund the state Department of Conservation against the legislature's power to appropriate taxpayer dollars.

Although a clear win for the four-member commission, the court majority did not rule the conservation tax revenue essentially “stands

appropriated” without legislative approval, as the commission had argued. Instead the majority, in an unsigned opinion not attributable to any particular judge, said lawmakers cannot restrict the commission from using appropriated funds for any purpose the constitution allows for those funds.

“(T)he people of Missouri created the Conservation Commission within the executive branch and ‘constitutionally empowered’ it to expend and use conservation funds for any of the enumerated purposes in the constitution ‘without interference’ by the General Assembly,” the majority said. “The General Assembly may not subvert the will of the people by restricting the Conservation Commission from using appropriated funds for any of the purposes listed in article IV, section 43” of the Missouri Constitution.

However, other constitutional provisions grant the

legislature the sole authority to appropriate funds and prohibit state agencies from making expenditures of taxpayer money without a legislative appropriation that “distinctly specifies the amount and purpose” of the authorized spending. The dissenting opinion, written by Judge Patricia Breckenridge, said the court’s majority completely ignores these provisions, as well as the constitutional ban on one branch of government exercising the powers of another.

“Without express provisions supporting the principal opinion’s different analysis and conclusions as to the commission’s authority, it relies on implied grants of authority,” Breckenridge wrote. “But one branch cannot exercise a power belonging to another ‘except in the instances in this constitution *expressly* directed or permitted.’ When an express direction or permission is lacking, a law attempting to vest one branch of government with the powers of another violates article II,

section 1,” the state constitution’s separation of powers provision.

Chief Justice Paul Wilson and Judges Mary Rhodes Russell, Robin Ransom and George Draper III formed the majority in the case. Breckenridge’s dissent was joined by Judges W. Brent Powell and Zel Fischer.

The case is *Conservation Commission Missouri and Department of Conservation v. Andrew Bailey*.

JUDGE REJECTS BOARD’S POSITION

The Missouri State Board of Accountancy had no authority to discipline former State Auditor Nicole Galloway for issuing an audit report that found former Attorney General Josh Hawley had misused public

resources for his 2018 U.S. Senate Campaign, a Cole County circuit judge ruled on June 8.

Hawley had filed a complaint with the board in 2020 after Galloway publicly released her findings.

“The Board of Accountancy does not have the authority to determine the constitutional and statutory authority of the State Auditor’s Office,” Circuit Judge Jon Beetem wrote in his 18-page ruling. “The Board of Accountancy has no jurisdiction over the performance of the constitutional or statutory duties of the State Auditor’s Office.”

Galloway, a certified public accountant, sued the board in October 2021 after it threatened to censure her license over the audit of the Attorney General’s Office, which Galloway was statutorily required to perform after Hawley resigned the post in January 2019 following his

election to the Senate.

In his complaint to the board, Hawley alleged Galloway violated state laws requiring accountants to maintain confidentiality and prohibiting them from publicly releasing any information they discover during the course of an audit without the consent of their client. The board agreed, thus taking a position that Beetem said would make it impossible for accountants working in the auditor's office to perform their constitutional duties.

Beetem ruled that public agencies and officials are not “clients” within the meaning of the laws governing professional standards for certified public accountants. To the contrary, Beetem said the state auditor's constitutional duty is to inform the public about whether government agencies and officials are spending taxpayer money appropriately, which necessarily requires the disclosure of findings that

might embarrass those officials or expose corruption.

He noted that since 2015 investigations conducted by the auditor's office have resulted in 80 criminal counts against public officials. The board's position, Beetem said, would give audit targets an effective veto power over the release of damaging or embarrassing information and empower them to block that information from being shared with law enforcement.

“If an auditee is required to give consent to information that goes into a public audit report, some investigations would come to a halt as the certified public accountants would need to choose between reporting on the matters before them or risk discipline against their license,” Beetem wrote.

The Board of Accountancy sought to dismiss the case after Galloway left office when her term ended in

January, arguing the case was moot since current State Auditor Scott Fitzpatrick isn't an accountant and therefore not subject to discipline by the board.

However, Fitzpatrick pushed for a final ruling since the board hasn't disavowed its claim that it can discipline accountants who work in the office for performing their constitutional and statutory duties. Although the state auditor is not required to be an accountant, the office employs more than two dozen accountants, several of whom are in key managerial roles.

It wasn't immediately clear if the board planned to appeal Beetem's decision, but as of June 15 it had not done so.

The case, retitled to reflect the change in state auditor, is

Scott Fitzpatrick v. Missouri State Board of Accountancy.

REVENUE UP 5.3% AS 2023 FY NEARS END

Through the first 11 months of the 2023 fiscal year, year-to-date net general revenue collections had increased 5.3% compared to the same period in FY 2022, going from \$11.41 billion last fiscal year to \$12.01 billion this year, according to data from the Missouri Division of Budget & Planning. Year-to-date net collections had been up 8.2% through the first 10 months of FY 2023, which ends June 30.

Net general revenue collections for May 2023 declined 10.5% compared to May 2022, going from \$1.78 billion last year to \$1.59 billion this year. The drop was due in large part to a 19.2% decrease for the month in individual income tax collections.

Lawmakers last fall approved a substantial cut in the primary individual income tax rate that took effect in January and is having a significant impact on revenue collections.

FORMER HOUSE & SENATE LEADER DIES

Ron Richard, the only person in Missouri history to hold the top leadership posts in both the state House of Representatives and Senate, died on June 9 at age 75.

Richard, who owned a bowling alley in Joplin, first won election to the House in 2002 when he and his fellow Republicans ended 48 years of Democratic control of the chamber. He served as House speaker from 2009-2010.

With term limits forcing him out of the House, Richard

won election to the Senate in 2010. Senate Republicans chose Richard as majority leader – the chamber’s No. 2 leadership post – for the 2015 legislative session, but he was elevated to the top job of Senate president pro tem later that year when his immediate predecessor resigned mid-term. Richard held the post until term limits brought his legislative tenure to a close at the end of 2018.

Before joining the state legislature, Richard got his start in local government, serving on the Joplin city council from 1990-1994 and as mayor from 1994-1997.

was passed this year by the Missouri General Assembly to deter such gunfire by making discharging a firearm with criminal negligence within or into any city a serious state offense instead of just a city ordinance violation at the June 12 South Kansas City Alliance meeting.

She deserves everyone's thanks for her tireless efforts for over a decade to warn people of the dangers of celebratory gunfire and to urge legislators to pass legislation like Blair's Law. Her efforts have undoubtedly saved lives and prevented injuries and will save more lives and prevent more injuries in the future.

COACH JOEL WEBB SKILL DEVELOPMENT CLINIC


JULY 10, 17, 31



THERE WILL BE OBSTACLES.
THERE WILL BE DOUBTERS.
THERE WILL BE MISTAKES.
BUT WITH HARD WORK,
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1st-3rd grade from 5:00pm-6:00pm
4th -6th grade from 6:00pm-7:00pm
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Understanding and Accessing **MISSOURI MEDICAID**

More Missourians than ever now qualify for Medicaid expansion, including parents who have not qualified before, and adults without children. Learn to see if you qualify for Medicaid and how to apply.

Am I eligible?

Medicaid eligibility depends primarily on the size of your household and your gross **monthly** household income (before taxes and deductions). If your monthly income is lower than the number of people living in your home, **you may qualify**.



1

\$1,481

2

\$2,003

3

\$2,525

4

\$3,048

5

\$3,570

6

\$4,092

How do I apply?

GOOD NEWS!

Applying is easy, and there are several convenient and accessible ways to do it!

Online:

Visit <https://mydss.mo.gov/healthcare/apply> to apply quickly via the DHSS web portal

By Phone:

Call the Missouri Family Support Division at (855)-373-4636 or (855)-373-9994

By Mail or Email:

Print and fill out an application provided at the web address listed above and mail to:

Family Support Division
615 E 13th St
Kansas City, MO 64106

Or email to:

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South KC Food Pantries

South Kansas City is fortunate to have several food pantries to help less-fortunate residents have enough healthy food to eat. These include:

Community Assistance Council, 10901 Blue Ridge Blvd. on the north end of the Ruskin High School campus, from 9 a.m. to 2:30 p.m. Monday, Tuesday, Thursday and Friday. Persons should call 816-763-3277, ext. 100, or email info@cackc.org for appointments or questions.

Red Bridge Area Food Pantry, 100 W. Red Bridge Rd. in the First Baptist Church of Kansas City, from 10 a.m. to noon on the third Saturday each month. Persons must call 816-908-7800 for appointments by the prior Wednesday.

Harvesters (the community food network) brings the semi-truck that serves as its mobile food pantry to seven sites in south Kansas City monthly to distribute fresh

produce and other healthy food to families in need. The sites are:

Center School District, 8701 Holmes Rd., from 9 a.m. to 10:30 a.m. as long as food is left on the first Saturday of the month. Persons should drive through the bus parking lot to the district warehouse. The event is sponsored by Three Trails Community church in partnership with the Center School District.

Center District Warehouse, 8701 Holmes Rd., from 11:30 a.m. to 1:30 p.m. the second Friday of each month. Persons should go to the entrance to the Center Administrative Office and drive through the bus parking lot to the warehouse where volunteers will load the food. Persons should take the Troost Ave exit. The event is sponsored by the Center Education Foundation in partnership with the Center School District.

Evangel Church, 1414 E. 103rd St., from 7 to 8:30 a.m. the second Saturday of the month. Persons may remain in their vehicles, and food will be brought to them.

United Believers Community Church, 5600 E. 112th Terr., with vehicles lining up at 8:30 a.m. and contactless food distribution running from 9 to 11 a.m. the third Wednesday of the month.

Ruskin High School, 7000 E. 111th St., from 4 to 5:30 p.m. the third Thursday of the month. Vehicles should line up on Ruskin Way on the east side of the school, and staff and students will load the food when vehicles reach the school.

Colonial Presbyterian Church, 9500 Wornall Rd., with registration beginning at 8 a.m. and food distribution running from about 8:30 to 10 a.m. on the third Saturday of the month. Families are asked to bring two cardboard boxes for volunteers to put the food in.

Red Bridge United Methodist Church, 636 E. 117th St., from 2:30 to 3:30 p.m. on the fourth Friday of the month in the church parking lot.

Serve and Lift Center – South KC, 8001 Longview Rd., from 8:30 a.m. to 3:30 p.m. Monday, Tuesday, Wednesday and Thursday. Walk-in, call for an appointment or order online at <https://catholiccharities-kcsj.org/pantry/>



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