

SC92159, City of St. Louis and Francis G. Slay, et al., v. State of Missouri

Appeal from the Cole County circuit court, Judge Jon Edward Beetem

Argued and submitted Sept. 6, 2012; opinion issued Nov. 13, 2012

Attorneys: The city and its officials were represented by Michael A. Garvin, Patricia A. Hageman, Christine L. Hodzic and Daniel J. Emerson of the St. Louis city counselor's office in St. Louis, (314) 622-3361; and the state was represented by General Counsel Ronald R. Holliger and Emily A. Dodge of the attorney general's office in Jefferson City, (573) 751-3321. The International Association of Fire Fighters Local 73, which filed a brief as a friend of the Court, was represented by Michael R. Gibbons, Charles W. Hatfield and Nicholas G. Frey of Stinson Morrison Hecker LLP in Jefferson City, (573) 636-6263.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: This appeal involves a challenge by a constitutional charter city, its mayor, a member of its civil service commission and a city employee regarding the constitutional validity of a state statute that exempts from the city charter's local residency requirements certain veteran firefighters who live in school districts that are unaccredited or provisionally accredited. The trial court found the statute violates the "home rule" provisions of the state constitution and the equal protection provisions of the state and federal constitutions but that it does not violate the state constitutional prohibition against special legislation. In a 6-0 decision written by Judge Laura Denvir Stith, the Supreme Court of Missouri affirms the judgment in part and reverses it in part, holding that the statute does not violate the prohibition against special laws, does not violate the home rule law and does not violate equal protection principles.

Facts: St. Louis is a constitutional charter city, and its charter requires all city employees to reside in the city of St. Louis. In 2010, the legislature enacted section 320.097, which exempts from local residency requirements firefighters who have worked for their department for at least seven years if they reside in a school district that is unaccredited or provisionally accredited. If an eligible firefighter elects to live outside of the department's boundaries, the firefighter must reside within a one-hour response time. The city, its mayor, a member of its civil service commission and a city employee subsequently sued, seeking declaratory and injunctive relief to prevent section 320.097 from being applied to the city. In part, the city argued that section 320.097 attempts to supersede the city charter's residency requirement and, in so doing, supplants the authority given a charter city under the "home rule" provisions of article VI, section 22 of the Missouri Constitution. The trial court granted summary judgment in favor of the city on this claim, finding that Missouri's "home rule" constitutional provisions provide "charter cities with a broad measure of complete freedom from state legislative control over municipal employment decisions." The trial court additionally granted summary judgment in favor of the city on its claim that the statute violated the equal protection clauses of the state and federal constitutions because the exemption from residency requirements is insufficiently related to the state interest in improving children's education and encouraging firefighters to remain with their current departments. The trial court granted summary judgment in favor of the state, however, on the city's argument that the statute violates the prohibition against special laws

contained in article III, section 40 of the Missouri Constitution. It found that because the law applies to any city with a residency requirement and with an unaccredited or provisionally accredited school district, it is based on open-ended characteristics that do not violate the prohibition against special laws. Both the city and the state appeal.

AFFIRMED IN PART AND REVERSED IN PART.

Count en banc holds: (1) Article VI, section 22 of the Missouri Constitution does not prohibit the legislature from enacting laws that impact the residency requirement of municipal employees in charter cities. The language of this provision – known as the “home rule law” – states that “No law shall be enacted creating or fixing the powers, duties or compensation of any municipal office or employment, for any city framing or adopting its own charter under this or any previous constitution . . .,” and a residency requirement does not constitute a power, duty or form of compensation.

(2) Section 320.097 does not violate equal protection principles. Because the classification of firefighters with seven or more years of experience who reside in a district with an unaccredited or provisionally accredited school does not constitute a suspect classification, section 320.097 receives rational basis review for purposes of equal protection analysis. This classification is rationally related to a legitimate state interest. The legislature rationally could conclude that permitting children of firefighters to live in accredited school districts and attend accredited schools will further the state’s interest in improving the quality of public education available to these children. The legislature also could conclude rationally that allowing firefighters to relocate to an accredited school district may further fire protection services by encouraging firefighters to remain at their current departments rather than leaving them entirely to relocate to a fully accredited school district to better provide for their children’s education.

(3) Section 320.097 does not violate the prohibition against special legislation contained in article III, section 40 of the Missouri Constitution. Laws based on open-ended characteristics do not violate this constitutional prohibition. A characteristic is open-ended if others may fall into the classification at any time. Because any fire department could adopt a residency requirement and any school district can become unaccredited or provisionally accredited, section 320.097 is based on open-ended characteristics.