

**Summary of SC94348, *Arthur L. LeBeau Jr., et al. v. Commissioners of Franklin County, Missouri***

Appeal from the Franklin County circuit court, Judge Robert D. Schollmeyer  
Argued and submitted January 14, 2015; opinion issued March 31, 2015

**Attorneys:** LeBeau and Reichert, both of Villa Ridge, represented themselves. The county commissioners were represented by Mary E. Zastrow and Steven R. White of Purschke, White & Briegel of Union, (636) 584-7100.

*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:** Taxpayers challenge the constitutional validity of a statute, as amended by a 2012 legislative enactment, permitting the establishment of certain county municipal court divisions. In a unanimous decision written by Chief Justice Mary R. Russell, the Supreme Court of Missouri dismisses the appeal. Because the version of the statute the taxpayers challenge was superseded by a 2014 amendment to the statute, the taxpayers' challenge is rendered moot because it no longer represents an actual controversy.

**Facts:** House Bill No. 1171, passed by the legislature and signed into law by the governor in 2012, in part amended section 67.320, RSMo, to permit certain first-class counties to establish a county municipal court division, and the Franklin County commission established such a division. Arthur LeBeau Jr. and other Franklin County taxpayers sued the commission members, arguing the bill's enactment violated the state constitution's single-subject and original-purpose provisions. After an appeal to this Court and remand (sending back the case) to the trial court, the trial court ultimately held the bill did not violate the constitution, and the taxpayers appealed again to this Court. Meanwhile, Senate Bill No. 621 – which repealed and reenacted section 67.320, including the language regarding the establishment of a county municipal court division – was passed by the legislature and signed into law by the governor. Shortly thereafter, the commissioners moved to dismiss the appeal as moot.

**APPEAL DISMISSED.**

**Court en banc holds:** The 2014 repeal and reenactment of section 67.320 in SB 621 renders the taxpayers' challenge to HB 1171 moot. They rely on section 67.320 – as amended by HB 1171 – as the authority on which they define their rights. But that version of section 67.320 was superseded by the version of section 67.320 that was amended by SB 621. As such, the taxpayers' challenge no longer represents an actual controversy.