

Summary of SC94493, *Missouri Municipal League v. State of Missouri*

Appeal from the Cole County circuit court, Judge Jon E. Beetem

Argued and submitted April 8, 2015; opinion issued August 4, 2015

Attorneys: The Missouri Municipal League was represented by Jane E. Dueker of Stinson Leonard Street LLP in St. Louis, (314) 259-4559, and Allan Garner of Allan Garner Law LLC in Independence, (816) 478-3848. The state was represented by Senior Counsel Ronald R. Holliger and Brandon D. Laird of the attorney general’s office in Jefferson City, (573) 751-3321.

St. Louis County residents who filed a brief as a friend of the Court were represented by Marie Defer, a St. Louis University School of Law student who is certified under Supreme Court Rule 13 to appear in court and provide legal assistance in certain circumstances and under the supervision of a licensed attorney, and John J. Ammann, Brendan Roediger, Stephen Hanlon and Chad Flanders of the St. Louis University Legal Clinic in St. Louis, (314) 977-2778; Sophie Zavaglia of SWMK Law LLC in St. Louis, (314) 480-5180; and John D. McAnnar, Michael-John Voss and Thomas Harvey of ArchCity Defenders Inc. in St. Louis, (855) 724-2489.

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: The Missouri Municipal League appeals a circuit court’s judgment against it on all its claims challenging the constitutional validity of 2013 amendments to the “Macks Creek Law.” In a unanimous decision written by Judge Paul C. Wilson, the Supreme Court of Missouri dismisses the appeal as moot. Since the appeal was submitted, the legislature passed and the governor signed a new bill that repeals the statutory language that formed the basis for the league’s claims. The passage of the new bill cures any defects that may have existed in the passage of the 2013 amendments, and the new statutory language leaves none of the league’s substantive claims for this Court to decide.

Facts: In 2013, the legislature in House Bill 103 amended certain provisions of section 302.341.2, RSMo, commonly referred to as the “Macks Creek Law.” Specifically, the bill reduced the cap on annual total revenue a municipality with a municipal court division is permitted to receive from fines for traffic violations to 30 percent, requiring it to remit any excess to the director of the department of revenue for distribution to local schools. HB 103 also required all local governments with municipal court divisions to provide an accounting to the state auditor showing the percentage of general operating revenue generated from such fines and provided that any local government failing to comply with the revenue cap’s reporting and remittal to lose jurisdiction of its municipal court division until the requirements are satisfied. After HB 103 went into effect, the Missouri Municipal League filed a lawsuit seeking a declaratory judgment that the amendment is invalid and enjoining future enforcement of its provisions. The circuit court granted the state’s motion for judgment on the pleadings and entered judgment for the state on each of the league’s claims. The league appeals.

DISMISSED.

Court en banc holds: The league's procedural and substantive constitutional challenges are moot and, therefore, this appeal must be dismissed. After the appeal was submitted following briefing and arguments, the legislature passed and the governor signed Senate Bill 5, which repeals the language in section 302.341.2 that formed the basis for the league's claims. These 2015 amendments take effect August 28, 2015. After then, the rights and obligations of the league's members will be governed by the provisions of SB 5, not the provisions of HB 103. The league's procedural claims are moot because they are based on allegations that the legislature's enactment of HB 103 violated the bill-passage requirements of article III, sections 21 and 23 of the state constitution. The passage of SB 5 in 2015, however, cures whatever procedural defects there may have been in the passage of HB 103. The league's substantive challenges also are moot. Each of these claims focuses on language in section 302.341.2 that was repealed – and not reenacted – in SB 5. Moreover, SB 5 enacts new provisions that address all the substantive claims the league made. As a result of SB 5, therefore, there is nothing left of the league's substantive constitutional claims for this Court to decide. If this Court were to issue an opinion solely for the purpose of providing “direction” for other cases that are not before it based on claims and facts of which the Court is not aware, this Court would be issuing the very type of advisory opinion the mootness doctrine is intended to prevent.