

Summary of SC93618, 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 December 4, 2013; opinion issued February 4, 2014

Attorneys: Arthur LeBeau Jr. of Villa Ridge, (636) 742-4931, and Eric Reichert of Villa Ridge, (636) 388-6679, represented themselves without counsel; the commissioners were represented by Matthew C. Becker of Purschke, White, Robinson & Becker LLC of Union, (636) 583-5760.

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: A group of taxpayers appeal a circuit court's determination that they lacked standing (legal ability to sue) to bring a lawsuit challenging the constitutional validity of both the enactment of a legislative bill and a resulting county order establishing a county municipal court. In a unanimous decision written by Judge Zel M. Fischer, the Supreme Court of Missouri reverses the circuit court's judgment and remands (sends back) the case. The taxpayers have standing to proceed with their claim that the legislation enabling the commissioners to establish a county municipal court in Franklin County was enacted in violation of procedural constitutional provisions, and the suit is ripe for review.

Facts: After House Bill No. 1171 was enacted into law, the Franklin County commission entered a county order establishing a county municipal court. A group of county taxpayers filed suit, seeking a judicial declaration that the bill's enactment violated the state constitution and that the county order, therefore, also was unconstitutional. The circuit court dismissed the suit, finding the taxpayers lacked standing because their amended petition failed to allege facts indicating the suit was ripe (ready for determination) and other factors necessary to indicate a justiciable controversy (one capable of being determined by a court) existed. The taxpayers appeal.

REVERSED AND REMANDED.

Court en banc holds: (1) The taxpayers have standing to proceed. In a declaratory judgment action, the plaintiff must have a legally protectable interest at stake in the litigation's outcome. This Court repeatedly has held that taxpayers have a legally protectable interest in the proper use and expenditure of tax dollars, which ultimately derives from the need to ensure government officials conform to the law. Here, the taxpayers allege that they are taxpayers and citizens of Franklin County and that Franklin County established a county municipal court by commission order pursuant to HB 1171. The taxpayers allege the legislature violated the state constitution's original purpose and single subject provisions in enacting HB 1171. It is beyond dispute that Franklin County falls within the population range listed in the bill and that the creation and operation of its municipal court will require the expenditure of funds generated through taxation. These allegations are sufficient to give the taxpayers standing to proceed.

(2) The taxpayers' suit is sufficiently ripe for review. They challenge the law based on the public interests implicated by the unlawful expenditure of money generated through taxation. They

further allege the commissioners already have expended funds to establish a municipal court by a commission order issued pursuant to the authority granted by HB 1171. Because the allegedly unlawful expenditures currently are authorized by an allegedly unlawful bill and commission order, the controversy is sufficiently ripe for review.