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STANDING - MISSOURI

City of Slater v. State

Missouri Court of Appeals, Western District - May 3, 2016 - S.W.3d - 2016 WL 2338532

City, Missouri municipal league, assistant city administrator, municipal court clerk, and individual sought declaratory relief challenging state's and office of state courts' interpretation of statute requiring courts to collect a three-dollar surcharge from litigants for benefit of sheriffs' retirement fund.

The Circuit Court granted defendants' motion to dismiss. Plaintiffs appealed.

The Missouri Court of Appeals held that:

- Court of Appeals had appellate jurisdiction to consider the challenge;
- Assistant city administrator and municipal court clerk lacked taxpayer standing;
- City, nor assistant city administrator and municipal court clerk in their official capacities, alleged any direct impact resulting from the statute, and thus lacked standing;
- Missouri municipal league lacked associational standing; and
- Individual lacked standing.

The Court of Appeals had appellate jurisdiction to consider city's challenge to statute requiring courts to collect a three-dollar surcharge from litigants for benefit of sheriffs' retirement fund. The challenge was conditional, depending on the manner in which the statute was construed, and thus did not vest exclusive appellate jurisdiction with the Supreme Court.

Assistant city administrator and municipal court clerk lacked taxpayer standing to seek declaratory judgment on state's and office of state courts' interpretation of statute requiring courts to collect a three-dollar surcharge from litigants for benefit of sheriffs' retirement fund, where petition failed to allege that compliance with the requirements of the statute would require expenditures, directly caused by the allegedly unlawful surcharge, which were separate and apart from the general operating expenses that municipal courts would incur regardless.

City, nor assistant city administrator and municipal court clerk in their official capacities, alleged any direct impact resulting from rule requiring courts to collect a three-dollar surcharge from litigants for benefit of sheriffs' retirement fund, and thus, they lacked standing to seek declaratory judgment on state's and office of state courts' interpretation of the rule. They did not allege that they were entitled to receive any part of the surcharge, or that the surcharge diverted money away from their municipalities, rather, they merely alleged that they would be required to collect and distribute a particular surcharge along with other court costs.

Missouri municipal league lacked associational standing to seek declaratory judgment on state's and office of state courts' interpretation of statute requiring courts to collect a three-dollar surcharge from litigants for benefit of sheriffs' retirement fund, where petition failed to allege facts sufficient to confer standing on Missouri municipalities.

Injury claimed by individual, prior payment of surcharge under statute requiring courts to collect a three-dollar surcharge from litigants for benefit of sheriffs' retirement fund, could not be remedied by relief he requested, and thus, he lacked standing to seek declaratory judgment on state's and office of state courts' interpretation of the statute, where individual was not seeking a refund of amount paid, damages for allegedly improper collection of the surcharge, nor had he argued that he would again be subject to the surcharge at some point in the future.