

**IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI**

CITY OF NORMANDY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 15AC-CC00531
)	
JEREMIAH WILSON NIXON, et al.)	
)	
Defendants.)	

JUDGMENT AND PERMANENT INJUNCTION

THE COURT upon consideration of Plaintiffs’ Motion for Declaratory Judgment and Preliminary and Permanent Injunction, Defendants’ response and Plaintiff’s reply thereto, upon consideration of Defendants’ Motion to Dismiss, Plaintiffs’ response and Defendants’ reply thereto, and upon consideration of the testimony and evidence presented at the plenary hearing held on February 5, 2016, finds as follows:

1. Plaintiffs are:

A. The City of Normandy, City of Cool Valley, City of Velda Village Hills, Village of Glen Echo Park, City of Bel Ridge, City of Bel-Nor, City of Pagedale, City of Moline Acres, Village of Uplands Park, City of Vinita Park, City of Northwoods and City of Wellston (collectively, the “municipality plaintiffs”); and

B. Patrick Green and Mary Louise Carter (collectively, the “taxpayer plaintiffs”).

2. All of the municipality plaintiffs are located within St. Louis County.

3. The taxpayer plaintiffs reside in the City of Normandy and the City of Pagedale.

4. Defendants are:

- A. Jeremiah Wilson “Jay” Nixon, the Governor of Missouri;
- B. Chris Koster, the Attorney General of Missouri;
- C. Nicole R. Galloway, the Missouri State Auditor; and
- D. Nia Ray, the Director of the Missouri Department of Revenue.

5. All of the defendants are sued in their official capacities.

6. This action concerns the constitutionality *vel non* of Senate Bill No. 5 (“SB 5”), which was passed by the Missouri General Assembly on May 7, 2015 and signed by the Governor on July 9, 2015.

7. Defendants’ Motion to Dismiss is **DENIED** with respect to counts one through four of plaintiffs’ verified petition.

8. Defendants’ Motion to Dismiss is **GRANTED** with respect to counts five, six, seven, eight and nine of plaintiffs’ verified petition.

9. Plaintiffs’ Motion for Declaratory Judgment is **GRANTED** with respect to the following provisions of SB 5 for the following reasons:

A. Section 67.287 RSMo. in its entirety, which applies only to “any city, town, or village located in any county with a charter form of government and with more than nine hundred fifty thousand inhabitants,” is hereby declared to be a special law (as to which defendants offered no evidence of substantial justification) in violation of Article III Section 40 of the Missouri Constitution and judgment is entered in favor of the municipality plaintiffs and against defendants with respect to count one of plaintiffs’ verified petition;

B. Section 479.359.2 RSMo., insofar as it provides “except that any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and any city, town, or village with boundaries found within such county shall be

reduced from thirty percent to twelve and one-half percent,” is hereby declared to be a special law (as to which defendants offered no evidence of substantial justification) in violation of Article III Section 40 of the Missouri Constitution and judgment is entered in favor of the municipality plaintiffs and against defendants with respect to count two of plaintiffs’ verified petition;

C. Section 67.287 RSMo. in its entirety is hereby declared to be an unfunded mandate in violation of Article X Sections 16 and 21 of the Missouri Constitution and judgment is entered in favor of the taxpayer plaintiffs and against defendants with respect to count three of plaintiffs’ verified petition;

D. Section 479.359.3 RSMo. in its entirety is hereby declared to be an unfunded mandate in violation of Article X Sections 16 and 21 of the Missouri Constitution and judgment is entered in favor of the taxpayer plaintiffs and against defendants with respect to count four of plaintiffs’ verified petition;

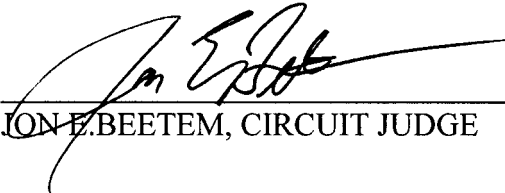
10. Defendants are preliminarily and permanently **ENJOINED** from enforcing or seeking to enforce Section 67.287 RSMo. because it is an unconstitutional special law.

11. Defendants are preliminarily and permanently **ENJOINED** from enforcing or seeking to enforce that portion of Section 479.359.2 RSMo., which provides “except that any county with a charter form of government and with more than nine hundred fifty thousand inhabitants and any city, town, or village with boundaries found within such county shall be reduced from thirty percent to twelve and one-half percent,” because it is an unconstitutional special law.

12. Defendants are preliminarily and permanently **ENJOINED** from enforcing or seeking to enforce Sections 67.287 RSMo. and 479.359.3 RSMo. because they are unconstitutional unfunded mandates.

13. All other claims for relief, not expressly granted herein are denied.

SO ORDERED this 28 day of March, 2016.



JON E. BEETEM, CIRCUIT JUDGE