

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

ARTICLE III INSTITUTE, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 24AC-CC08732
	)	
STATE OF MISSOURI, et al.,	)	
	)	
Defendants.	)	

**Response in Opposition to Plaintiffs’  
Motion for Summary Judgment**

The Court should deny Plaintiffs’ Motion for Summary Judgment, which asserts that SB 574 violates the Missouri Constitution. The Court does not have to rule on Plaintiffs’ claims relating to § 516.500, RSMo,<sup>1</sup> because my answer to Plaintiff’s First Amended Petition for Declaratory Judgment and Injunctive Relief (First Amended Petition) does not raise a defense based upon time limitations.

**Standard**

A trial court may grant summary judgment where the moving party has demonstrated, on the basis of facts as to which there is no genuine dispute, a right to judgment as a matter of law. *ITT Commercial Finance Corp. v. Mid-*

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<sup>1</sup> All statutory references are to the 2016 Revised Statutes of Missouri as amended, unless otherwise noted.

*American Marine Supply Corp.*, 854 S.W.2d 371, 376 (Mo. banc 1993). The burden is on the movant, and the test is simply whether a dispute as to a material fact exists. *Id.*, at 378. The court is to give the non-movant the benefit of all reasonable inferences from the record. *Id.*, at 376. The court also must look to the elements of the claims pleaded in the petition and determine whether the facts in the statement of uncontroverted material facts meet those elements. *Home Service Oil v. Cecil*, 513 S.W.3d 416, 419 (Mo. App. S.D. 2017).

### Argument

A party challenging a bill under the State Constitution must prove that the bill “clearly and undoubtedly violates the constitution.” *Corvera Abatement Technologies, Inc. v. Air Conservation Com’n*, 973 S.W.2d 851, 861 (Mo. banc 1998). This is because procedural limitations on legislative acts, although mandatory, are not favored. *Hammerschmidt v. Boone County*, 877 S.W.2d 98, 102 (Mo. banc 1994). The court has a duty to adopt the reading of a statute that is constitutional when alternate readings are possible. *Stroh Brewery Co. v. State*, 954 S.W.2d 323, 326 (Mo. banc 1997).

Plaintiffs first claim SB 754 is unconstitutionally overbroad because its title states that it is an act to repeal certain sections and enact “in lieu thereof” certain other sections “relating to public safety”. Plaintiffs cite to *City of St. Louis v. State*, 682 S.W.3d 387 (Mo. banc 2024), as authority for a finding that

use of the phrase “public safety” in the title of a bill is “too broad” to adequately describe a legislative bill’s subject. *Id.* at 402.

While *City of St. Louis* did make the finding noted by Plaintiffs, the Court also determined that it did not need to consider the issue further because the appellants in that case did not raise a “clear title” claim. *Id.* The Court decided, however, to look at the state constitution to “more clearly identify the bill’s original purpose. *Id.*, citing *Carmack v. Dir., Mo. Dept. of Agriculture*, 945 S.W.2d 956, 960 (Mo. banc 1997). The Court identified Article IV, section 48 “deal[ing] exclusively with the department of public safety and require[ing] the department to ‘administer the programs provided by law to protect and safeguard the lives and property of the people of the state.’” *Id.* at 402. The Court went on to find that all of the provisions of the bill at issue in *Carmack* were “sufficiently relate[d] to protecting or safeguarding the lives and property of Missouri citizens” or were “relate[d] to program administered by the department of public safety.” *Id.* at 403. The Court determined that “[t]his conclusion [was] consistent with this Court’s precedent of broadly and liberally interpreting a bill’s original purpose so as to uphold the bill’s constitutional validity.” *Id.*, citing *Calzone v. Interim Comm’r of Dept. of Elementary and Secondary Educ.*, 584 S.W.3d 310, 319 (Mo. banc 2019).

Just like the bill at issue in *City of St. Louis*, each of the sections enacted in lieu of the sections repealed by SB 754 relate to protecting or safeguarding

the lives and property of Missouri citizens or are related to programs administered by the department of public safety. So this court should reject Plaintiffs claim that SB 754 is unconstitutionally overbroad.

Plaintiffs' second claim is that SB 754 is unconstitutionally underinclusive because, Plaintiffs maintain, the title of SB 754 did not specify the new sections being enacted. As a result, Plaintiffs continue, neither legislators nor interested citizens had any advance notice that the bill would create new sections.

There is no requirement that the title of a bill describe every detail contained in that bill. *Fust v. Attorney General of the State of Mo.*, 947 S.W.2d 424, 429 (Mo. banc 1997). "The title to the act is valid if it indicates the general contents of the act," and an act will not be deemed invalid merely because of the "generality of title". *Id.* The title of a bill "need not give specific details" of the bill to withstand a clear title challenge. *Fox v. State*, 640 S.W.3d 744, 756 (Mo. banc 2022).

While the new sections being enacted in SB 754 did not appear in the title, those "specific details" are not required. *See, Fox v. State*, at 756. In any event, all of the new sections are listed in "Section A" immediately below the title. *See*, Exhibit 1 to Plaintiffs' Motion for Summary Judgment. This court should reject Plaintiffs claim that SB 754 is unconstitutionally underinclusive.

Plaintiffs final claims ask this court to determine (1) if § 516.500 requires courts to stop consideration of a procedural challenge to a legislative bill as of the adjournment date of the next full legislative session following the effective date of the law, and (2) if the answer to the first question is “yes”, if § 516.500 is constitutionally valid. These questions, however, are moot as Defendants did not reassert affirmative defenses based on § 516.500 in their Answer to Plaintiffs’ First Amended Petition for Declaratory Judgment and Injunctive Relief filed November 6, 2025, as were originally set out in their Amended Answer to Plaintiffs’ Petition for Declaratory Judgment and Injunctive relief filed May 30, 2025.

While Missouri courts generally do not decide moot issues, they have discretion to review a moot issue in two instances. *Reynolds v. City of Valley Park*, 254 S.W.3d 264, 266 (Mo. App., E.D. 2008), *citation omitted*. “The first instance is when a case becomes moot after submission and argument.” *Id.* This instance does not exist in the instant case.

The second instance is when the case “presents an unsettled legal issue of public interest and importance of a recurring nature that will escape review.” *Id.*, *citation omitted*.” But the “public interest exception” is very narrow and will not be applied when the moot issue is likely to be present in a future “live controversy practically capable of review”. *Id.*, *citation omitted*. While affirmative defenses based on § 516.500 could recur in other litigation,

there is no reason to believe that whatever court is given the opportunity to rule on that issue would do so based solely on some tangential matter in the current matter but would instead hear evidence and argument on the specific matter presented to it and make a decision based on the evidence before it.

Conclusion

For the foregoing reasons, Plaintiffs are not entitled to summary judgment.

Respectfully submitted,

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**Certificate of Service**

The undersigned hereby certifies that on the 18<sup>th</sup> day of March, 2026, a true and correct copy of the foregoing was served by operation of the Court's electronic filing system upon all parties of record.

/s/ Mary L. Moulton