

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

ARTICLE III INSTITUTE, ET AL.

Plaintiffs,

v.

STATE OF MISSOURI, ET AL.

Defendants.

Case No. 24AC-CC08732

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**REPLY MEMORANDUM IN SUPPORT OF  
PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

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**Facts**

In accordance with Missouri Supreme Court Rule 74.04(c)(1), the Plaintiffs submitted with their motion for summary judgment a statement of uncontroverted material facts (“SUMF”). Facts presented in support of a party’s motion for summary judgment are accepted as true unless contradicted by the non-moving party’s response to the summary judgment motion. *Green v. Fotoohigham*, 606 S.W.3d 113, 115-17 (Mo. banc. 2020). The Government’s response to the Plaintiffs’ motion made no effort to dispute or otherwise contradict the Plaintiffs’ SUMF. Consequently, all of the facts asserted therein are established for the purposes of this litigation.

SB754 created eight new sections that did not previously exist as part of the Missouri Revised Statutes—§§ 211.600, 307.018, 547.500, 565.258, 571.031, 575.151, 579.021, and 579.022. SUMF ¶¶ 7, 9, 12, 14, 19, 21, 23, 25. Nothing in the title of SB754 notified legislators or members of the public that the bill would create these statutes. SUMF ¶¶ 8, 10, 13, 15, 20, 22, 24, 26. Two of the new statutes that SB754 created—§§ 307.018 and 565.258—were added to

chapters of the Missouri Revised Statutes that were not affected by any of the statutes that SB754 would repeal, and nothing in the title of SB754 notified legislators or members of the public that the bill would modify Chapter 307 or Chapter 565 in any way. SUMF ¶¶ 6, 11, 18.

### **Argument**

The Plaintiffs argue that SB754 violates the Clear Title requirement of Article III, section 23 of the Missouri Constitution because, on the one hand, the subject expressed in the title—“relating to public safety”—is too broad and amorphous to describe the bill’s contents with the precision necessary to provide legislators and interested citizens proper notice of those contents. *See, e.g., Cedar Cnty. Comm’n v. Parson*, 661 S.W.3d 766, 773 (Mo. banc 2023). This is, in fact, the standard Missouri courts use for the purpose of assessing a Clear Title claim.

Rather than engage with that standard, however, the Government’s response memorandum argues that the title was sufficient because each of “the sections repealed by SB754 relate to protecting or safeguarding the lives and property of Missouri citizens or are related to programs administered by the department of public safety.” Gov’t Resp. Memo. at 3-4. This argument is misplaced and of no utility because it focuses on the standard that is used in cases involving the Constitution’s *Single Subject* requirement, not the *Clear Title* requirement. *See Calzone v. Interim Comm’r of Dep’t of Elementary and Secondary Educ.*, 584 S.W.3d 310, 316, 320, 322 (Mo. banc 2019). The *proper* constitutional analysis, and the record here, require the Court to hold that SB754 violates the Clear Title requirement because the subject it identifies, “relating to public safety,” is unconstitutionally overbroad.

The Plaintiffs also argue that SB754 violates the Clear Title requirement because the title is underinclusive. Although the Government is correct that the Missouri Constitution does not require the title of a bill to describe every detail contained therein, when the legislature *does*

choose for the title of a bill to “descend to particulars,” any portion of the bill that falls outside those particulars must be “invalidated and severed from the remainder of the bill.” *Home Builders Ass’n of Greater St. Louis v. State*, 75 S.W.3d 267, 272 (Mo. banc 2002).

The Government cites *Fust v. Attorney General of the State of Missouri*, 947 S.W.2d 424 (Mo. banc 1997), but it does not discuss the details of that case. Those details, however, are instructive. *Fust* involved judgment creditors who challenged the validity of HB700 (1987), which created a statute that allocated 50% of any punitive damages judgment to the State of Missouri. *Id.* at 427. The title of that bill stated that it was enacted “to repeal sections [thereafter listed], and to enact in lieu thereof fifty-one new sections for the purpose of assuring just compensation for certain person’s damages.” *Id.* The Court may take judicial notice of the Laws of Missouri Passed at the First Regular Session of the Eighty-Fourth General Assembly (1987), the relevant excerpt of which the Plaintiffs have attached as Motion Exhibit 6. The title for HB700 (at issue in *Fust*) not only listed the statutory sections to be repealed and stated the number of sections to be enacted “in lieu thereof,” it then listed the number of each new statutory section—specifically identifying new subsections to be enacted and providing a brief description of each new subsection’s contents.

The challengers in *Fust* argued that the title was unconstitutionally underinclusive because it included the words “just compensation,” but did not mention the words “punitive damages” or “tort.” *Id.* at 428. The challengers in *Fust* also argued that “because certain sections involving insurance, interest, or pleadings were repealed, and ‘in lieu thereof’ fifty-one new provisions were enacted, that the subject of the bill is limited to insurance, interest and pleadings.” *Id.* at 429. The Missouri Supreme Court was not persuaded, holding that the bill’s title satisfied the Clear Title requirement. *Id.* But those arguments are not what Plaintiffs have

asserted here. Plaintiffs' underinclusiveness argument focuses on the fact that the title of SB754 did not specify what new sections the bill would create. The bill title in *Fust* included this information, where the title of SB754 *did not*. Thus, *Fust* provides compelling proof that the legislature is indeed capable of crafting bill titles that inform legislators and citizens of precisely the sort of changes a bill would make to state law. Its failure to do so in regard to the title for SB754 means that the title is unconstitutionally underinclusive.

### **Conclusion**

For these reasons, the Court should grant the Plaintiffs' motion for summary judgment, declaring that SB754 is invalid due to its violation of the Clear Title requirement of Article III, section 23 of the Missouri Constitution, and granting the Plaintiffs all appropriate relief.

Respectfully Submitted this 23rd day of March 2026



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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above and foregoing was e-Filed with the Court's E-Filing System this 23rd day of March 2026.

/s/ David E. Roland