

SC101644

IN THE SUPREME COURT OF MISSOURI

ARTICLE III INSTITUTE, ET AL.,

Plaintiffs-Appellants,

v.

STATE OF MISSOURI, ET AL.,

Defendants-Respondents.

APPEAL FROM THE NINETEENTH CIRCUIT COURT
The Honorable Cotton Walker, Circuit Judge
Case No. 24AC-CC08732

APPELLANTS' BRIEF- APPENDIX

David E. Roland #60548
GOLDWATER INSTITUTE
500 East Coronado Road
Phoenix, Arizona 85004
Phone: (602) 462-5000

Attorney for Appellants

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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.)	

AMENDED FINAL JUDGMENT

Introduction

The Plaintiffs filed a motion for summary judgment and the Defendants filed alternative motions to dismiss or for judgment on the pleadings. Rule 55.27 permits the Court to treat motions under that Rule as motions for summary judgment where, as here, all parties have been given reasonable opportunity to present all material made pertinent to such a motion. Thus, the Court treats the Defendants' Rule 55.27 motion as a motion for summary judgment. Each party filed suggestions in support of their motion and suggestions in opposition to their opponent's motion, and Plaintiffs filed a reply to Defendants' response. On March 30, 2026, the parties appeared before this Court and agreed that further argument was not necessary.

Plaintiffs filed a Statement of Uncontroverted Facts with their Motion for Summary Judgment and Defendants did not object to these facts, which state:

Statement of Uncontroverted Facts

1. Plaintiff Paul Hamby is a Missouri citizen, a Missouri taxpayer, and a member of the Article III Institute's board.

2. Plaintiff Article III Institute is a Missouri nonprofit corporation dedicated to educating the public and public officials about the limits the Missouri Constitution imposes on the power of the Missouri General Assembly and enforcing those limits through litigation.

3. The Article III Institute was established for the purpose of representing the interests of Missouri citizens and taxpayers in ensuring that the state legislature complies with the procedural limitations Missourians adopted in Article III of the Missouri Constitution.

4. SB 754 was truly agreed to and finally passed on May 17, 2024.

5. Governor Parson signed the bill on or about July 9, 2024, and its effective date by operation of Article III § 29, of the Missouri Constitution was August 28, 2024.

6. The title of SB 754, as enacted and signed by the governor, was: To repeal sections 211.031, 211.071, 217.345, 217.690, 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 590.653, 600.042, and 610.140, RSMo., and to enact in lieu thereof twenty-nine new sections relating to public safety, with penalty provisions and a delayed effective date for a certain section.

7. SB 754 created § 211.600, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

8. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 211.600, RSMo.

9. SB 754 created § 307.018, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

10. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 307.018, RSMo.

11. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would modify Chapter 307 of the Missouri Statutes in any way.

12. SB 754 created § 547.500, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

13. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 547.500, RSMo.

14. SB 754 created § 565.258, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

15. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 565.258, RSMo.

16. SB 754 created § 565.258.2, RSMo., which authorizes direct expenditures of tax revenue to pay members of the "Stop Cyberstalking and

Harassment Task Force" the "necessary and essential expenses incurred in attending meetings of the task force."

17. SB 754 created § 565.258.5, RSMo., which authorizes direct expenditures of tax revenue in the form of "administrative support" that the Department of Public Safety is required to provide to the "Stop Cyberstalking and Harassment Task Force."

18. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would modify Chapter 565 of the Missouri Statutes in any way.

19. SB 754 created § 571.031, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

20. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 571.031, RSMo.

21. SB 754 created § 575.151, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

22. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 575.151, RSMo.

23. SB 754 created § 579.021, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

24. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 579.021, RSMo.

25. SB 754 created § 579.022, RSMo., a provision that did not previously exist as a part of Missouri's Revised Statutes.

26. Nothing in the title of SB 754 notifies legislators or members of the public that the bill would create § 579.022, RSMo.

27. SB 754 amended § 600.042, RSMo., to add a new subsection, § 600.042.6, which creates a new "Public Defender - Federal and Other Fund" within the state treasury and declares that it "shall be funded annually by appropriation[.]"

28. During the 2020 legislative session 571 bills were filed in the Missouri Senate and 1,501 bills were filed in the Missouri House of Representatives.

29. During the 2021 legislative session 630 bills were filed in the Missouri Senate and 1,445 bills were filed in the Missouri House of Representatives

30. During the 2022 legislative session 614 bills were filed in the Missouri Senate and 1,471 bills were filed in the Missouri House of Representatives.

31. During the 2023 legislative session 723 bills were filed in the Missouri Senate and 1,388 bills were filed in the Missouri House of Representatives.

32. During the 2024 legislative session 797 bills were filed in the Missouri Senate and 1,527 bills were filed in the Missouri House of Representatives.

Legal Standard for Summary Judgment

Missouri Rule of Civil Procedure 74.04 authorizes a party to file a motion for summary judgment. The movant must show that 1) there is no genuine dispute as to the material facts on which the party relies; and 2) based on those facts, the party is entitled to judgment as a matter of law. "Where the facts underlying this right to judgment are beyond dispute, summary judgment is proper." *ITT Commercial Finance Corp. v. Mid-America Marine Supply Corp.*, 854 S.W.2d 371, 376 (Mo. bane 1993). The Court views the record in the light most favorable to the non-moving party and gives the non-movant the benefit of all reasonable inferences. *Id.*

Once the movant has made "a prima facie showing that there are no genuine issues of material fact and that the movant is entitled to judgment as a matter of law," the non-moving party may establish that there is a genuine dispute as to the material facts. *Id.* After the *ITT* decision, Rule 74.04 was amended in 1994, and the Supreme Court has explained the requirements for the non-moving party to show that the court should deny summary judgment on grounds that there is a material fact in dispute. *Green v. Fotoohigham*, 606 S.W.3d 113 (Mo. bane 2020). Here, the Court has determined that there is no

genuine dispute about any material fact, that the undisputed material facts are sufficient to support summary judgment for Defendants, and that a trial is not necessary.

Grounds Asserted in the Cross Motions for Summary Judgment

Plaintiffs ask the Court for 1) a declaratory judgment finding SB 754 in violation of the "clear title" requirement of Article III, § 23, and 2) a permanent injunction against the enforcement of SB 754 and any of the changes to the Missouri Revised Statutes produced by it. Specifically, Plaintiffs ask the Court to declare that the subject of SB 754 as expressed in its title of "relating to public safety" is overbroad and fails to adequately describe the bill's contents, and also ask this Court to find SB 754's title underinclusive because it announces the repeal of 21 statutory sections while enacting 29 new sections "in lieu thereof" but not specifying the new statutory sections it created or that these new sections were not "implicated" by the sections being repealed.

Defendants ask this Court to find that the title of SB 754 is not overbroad as all of its provisions either relate to protecting or safeguarding lives and property, or relate to programs administered by the Department of Public Safety. Additionally, Defendants ask this Court to reject Plaintiffs claim that SB 754 is underinclusive given that specific details like those Plaintiffs ask for are not required to be included in a bill's title.

The Court agrees with Defendants.

Discussion

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 Comm'n*, 973 S.W.2d 851, 861 (Mo. banc 1998). This is because, while procedural limitations on legislative acts are mandatory, attacks against legislative action based on constitutionally imposed procedural limitations are not favored. *Hammerschmidt v. Boone County*, 877 S.W.2d 98, 102 (Mo. banc 1994). This 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).

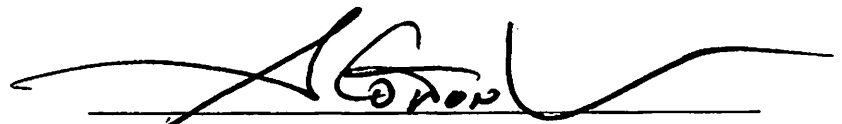
This court rejects Plaintiffs' claim that SB 754 is unconstitutionally overbroad as all sections of SB 754, including those enacted in lieu of the sections repealed by SB 754 relate to public safety as they either protect or safeguard the lives and property of Missouri citizens, or relate to programs administered by the Department of Public Safety. *City of St. Louis v. State*, 682 S.W.3d 387, 404 (Mo. banc 2024).

This Court also rejects Plaintiffs' claim that SB 754 is unconstitutionally underinclusive. The argument made by Plaintiff is couched in terminology of a "clear title requirement." However, the title of a bill need not describe every detail contained in that bill, so long as it "indicates the general contents of the act". *Fust v. Attorney General of the State of Mo.*, 947 S.W.2 424, 429 (Mo. banc

1997): *Fox v. State*, 640 S.W. 3d 744, 756 (Mo. banc 2022). While the new sections enacted by SB 754 do not appear in the title, they all are listed in "Section A" of SB 754 which is located immediately below the bill's title. Further, the title clearly states enactment of "...twenty-nine new sections..." which are then set forth by section number and full detail in the bill.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that SB 754 is not unconstitutionally overbroad or underinclusive. This Court, therefore, **denies Plaintiffs' motion for summary judgment and grants summary judgment to Defendants.** The Court further dismisses Counts II and III of the Plaintiffs' First Amended Petition as moot because the Defendants waived any defenses based on § 516.500, RSMo. This ruling disposes of all claims and issues remaining in the case.

May 4, 2026
Date



Hon. Cotton S. Walker
Circuit Court Judge, Division III
19th Judicial Circuit,
State of Missouri

Missouri Constitution
Article III, Section 23

No bill shall contain more than one subject which shall be clearly expressed in its title, except bills enacted under the third exception in section 37 of this article and general appropriation bills, which may embrace the various subjects and accounts for which moneys are appropriated.

Senate Bill 754 Title

SECOND REGULAR SESSION

[TRULY AGREED TO AND FINALLY PASSED]

SENATE SUBSTITUTE NO. 2 FOR

SENATE COMMITTEE SUBSTITUTE FOR

**SENATE BILLS NOS. 754, 746,
788, 765, 841, 887 & 861**

102ND GENERAL ASSEMBLY

2024

3102S.07T

AN ACT

To repeal sections 211.031, 211.071, 217.345, 217.690, 547.031, 556.021, 558.016, 558.019, 568.045, 571.015, 571.070, 575.010, 575.353, 578.007, 578.022, 579.065, 579.068, 590.192, 590.653, 600.042, and 610.140, RSMo, and to enact in lieu thereof twenty-nine new sections relating to public safety, with penalty provisions and a delayed effective date for a certain section.

such fine and imprisonment.

6. In the event that, notwithstanding the provisions of subsection 2, any bank which is not a bank as defined in the Federal Bank Holding Company Act of 1958, as amended, is permitted to do business in this state, such bank shall be regulated by the Director of Finance pursuant to rules and regulations adopted by him.

Approved July 17, 1987.

[H. B. 700]

BUSINESS AND FINANCIAL INSTITUTIONS: Assuring just compensation for certain person's damages.

AN ACT to repeal sections 374.170, 379.010, 379.080, 379.085, 384.010, 384.020, 384.030, 384.040, 384.050, 384.060, 384.070, 384.080, 384.090, 384.100, 384.110, 384.120, 384.130, 384.140, 384.150, 384.160, 384.170, 384.180, 408.040 and 509.050, RSMo 1986, and to enact in lieu thereof fifty-one new sections for the purpose of assuring just compensation for certain person's damages with penalty provisions, an effective date and an emergency clause.

SECTION

- A. Enacting clause.
- 374.170. Forms furnished companies.
- 379.010. Number of incorporators required—kind of business permitted—amount of guaranty fund or policyholders' surplus required—issuance of "jewelers' block policy".
- 379.080. Capital and surplus required of stock companies, how invested.
- 379.085. Mutual companies doing fire and marine business—agreements and securities—violation, penalty.
1. Title of law—definitions.
 2. Nonadmitted insurers purchased from by licensees, when.
 3. Requirements and qualifications for nonadmitted insurers to furnish coverage—list of eligibles to be published.
 4. Unlisted nonadmitted insurers may be used for coverage, when—requirements.
 5. Ineligibility of nonadmitted insurer, grounds, when—notice to licensees.
 6. Admitted insurers may issue coverage, requirements—premium tax to apply.
 7. Report to be filed by brokers and licensees, content, affidavit form to be furnished—insolvency not to be paid out of guaranty fund.
 8. Advisory organization may be formed, purposes—information to be filed—examination when, costs—hearing on report, when—violations, penalty.
 9. Policy or certificate to be delivered to insured or broker—policies to indicate current status and any changes—violation, penalties.
 10. Notice in writing to insured before premium due, content.
 11. Enforceability of contract.
 12. Premium payment to licensee deemed payment to insurer.
 13. Licensing requirements for surplus lines brokers and agents, fee—bond—

SECTION

- examination, exception—nonresident licensee's, limitations—renewal, when—violation penalties.
14. Licensees may originate or accept insurance from other licensees or brokers, compensation.
 15. Records required to be kept by licensees—to be open to director—retention period.
 16. Insured to file report on surplus lines insurance not obtained through a broker—contents, when due—tax imposed procedure to collect tax—delinquent tax, penalty, director of revenue to collect—surplus lines licensee to file each quarter record of total transactions, gross premiums and aggregate tax remitted.
 17. Premium receipt tax applicable to surplus lines—rate—collection—rebating or absorbing by licensee prohibited—coverage partially located or performed in state, how computed, procedures—not applicable to risks of state government or political subdivisions—insured, licensees and risks are deemed located, where.
 18. Premium tax collected by licensee but unpaid to director, actions authorized.
 19. Revocation, suspension or refusal to renew license of licensee, grounds—notice—hearing.
 20. Cause of action on contracts of insurance may be brought against insurer—policy to contain appropriate language—insurer deemed to have subjected himself to this section—service of process.
 21. Violations, penalties.
 22. Definitions for sections 23 to 27.
 23. Policy cancellation or nonrenewal requirement of sixty days prior notification.
 24. Notice content.
 25. Policyholder's right to history of

SECTION

- policy, when.
26. Proof of mailing notice of cancellation or nonrenewal.
27. Cancellation or nonrenewal of entire line or class of insurance requires ninety days prior notice to director.
28. Definitions for sections 28 to 31—rate, rate plan and rate system changes must be reviewed, when.
29. Filing for review—deemed approved, when—effective, when—standards for director's approval—unfair discrimination defined.
30. Rates, rate plan or rate system filing—required actuarial data.
31. Rules and regulations on modification of rate base, authority of director—disapproval or suspension of rules procedure, authority to promulgate invalid, when.
32. Annual report by commercial casualty insurance companies—form—content of report—exceptions.
- B. Enacting clause.
- 409.040. Interest on judgments, how regulated—tort cases, prejudgment interest allowed when, procedure.
- 509.050. Pleading, setting forth claim for relief, contents—demand for dollar amount not permitted, exception—discovery used to determine total damages, use in trial prohibited.
33. Products liability claim defined.
34. Motion to dismiss, defendant whose only liability is as seller in stream of commerce requirements procedure—order of dismissal to be interlocutory.
35. State of the art, defined—affirmative defense in cases of strict liability for failure to warn—burden of proof on party asserting defense—action for negligence, when.
36. Contributory fault as complete bar to

SECTION

- plaintiff's recovery' abolished—doctrine of comparative fault to apply—fault of plaintiff an affirmative defense to diminish damages—fault defined.
37. Liability limitation for persons in business of hazardous waste cleanup created by others, exceptions—waste cleanup of environmental hazard defined.
38. Damages paid by defendant prior to trial may be introduced but is waiver of credit against judgment (collateral source rule modified).
39. Bifurcated trial may be requested by any party if punitive damage involved, procedure—post-trial motion for credit on punitive damages, procedure—credit not allowed, when—doctrine of remittitur and additur applied to awards.
40. Tort victims' compensation fund established—punitive damage award percentages to go into fund—collection, disbursement and procedures to be established by general assembly.
41. Joint and several liability of defendants in tort actions, exception—plaintiff assessed a percentage of fault, motion by any party for reallocation of any uncollectible amounts, procedure.
42. Court may enter remittitur order or increase jury award, when.
43. Officers or members of certain corporations, charities, organizations or clubs immuned from personal liability for official acts, exceptions.
44. Certain laws not applicable to sections 532.205 to 532.230.
45. Provisions of certain laws applicable to all causes of action.
- C. Emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Enacting clause.—Sections 374.170, 379.010, 379.080, 379.085, 384.010, 384.020, 384.030, 384.040, 384.050, 384.080, 384.070, 384.080, 384.090, 384.100, 384.110, 384.120, 384.130, 384.140, 384.150, 384.160, 384.170, 384.180, RSMo 1986, are repealed and thirty-six new sections enacted in lieu thereof, to be known as sections 374.170, 379.010, 379.080, 379.085, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, and 32, to read as follows:

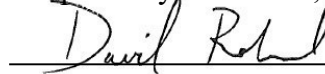
374.170. Forms furnished companies.—The director of the insurance division shall cause to be prepared, and furnished to every insurance company doing business in this state, forms of the statements required by him from said companies, and he may make such changes and additions, from time to time, in the same, and in any statements required, as shall seem to him best adapted to elicit from said companies a true exhibit of their condition and management.

379.010. Number of incorporators required—kind of business permitted—amount of guaranty fund or policyholders' surplus required—issuance of "jewelers' block policy".—1. Any number of persons, not less than thirteen in number, a majority of whom shall be citizens of this state, may associate and form an incorporation, association or company for the following purposes, to wit:

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2026, a true and correct copy of the foregoing Appendix was filed with the Court's electronic filing system to be served upon counsel of record for all parties entered in this case.

Respectfully Submitted,



David Roland, #60548

GOLDWATER INSTITUTE

500 East Coronado Road

Phoenix, Arizona 85004

Phone: (602) 462-5000

ATTORNEY FOR APPELLANTS