

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

ARTICLE III INSTITUTE,

and

PAUL HAMBY,

Plaintiffs,

v.

STATE OF MISSOURI,

Serve: Missouri Attorney General's Office  
Supreme Court Building  
207 W. High Street  
Jefferson City, MO 65102

AND

MICHAEL PARSON, GOVERNOR OF THE  
STATE OF MISSOURI

Serve: Office of the Governor  
State Capitol Building, Room 218  
201 W. Capitol Ave.  
Jefferson City, MO 65102

AND

ANDREW BAILEY, ATTORNEY GENERAL OF  
THE STATE OF MISSOURI

Serve: Missouri Attorney General's Office  
Supreme Court Building  
207 W. High Street  
Jefferson City, MO 65102

Defendants.

Case No. \_\_\_\_\_

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**PETITION FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

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COME NOW the Plaintiffs, by and through their undersigned attorney, and allege as follows:

**INTRODUCTION**

The Missouri Constitution begins by stating “[t]hat all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.” Mo. Const. Art. I, § 1. It further states “[t]hat the people of this state have the inherent, sole and exclusive right to regulate the internal government and police thereof[.]” As part of their effort to “regulate the internal government” of the state, the people ratified Article III, section 23 of the Missouri Constitution says that “no bill shall contain more than one subject which shall be clearly expressed in its title.” This provision was intended to ensure that both legislators and the public are adequately informed about the subject matter of bills being considered by the state legislature so they would have timely, adequate notice regarding the true focus and content of bills being considered by the legislature, thus giving them an appropriate opportunity to review and comment on the proposed legislation before it is passed and signed into law. Courts must diligently enforce the requirements of Article III, § 23, in order to protect the public against the mischief that the people have decided would result in the absence of these restrictions. This lawsuit calls upon the courts to protect the people of this state by enforcing one of these constitutional restrictions.

## **PARTIES**

1. 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.
2. Plaintiff Paul Hamby is a Missouri citizen, a Missouri taxpayer, and a member of the Article III Institute's board.
3. Defendant State of Missouri, through various officers and offices has enacted and intends to enforce the legislation at issue in this case.
4. Defendant Michael Parson is the Governor of Missouri and signed the unconstitutional legislation at issue in this case.
5. Defendant Andrew Bailey is the Attorney General of Missouri and is charged, in whole or in part, with enforcement of the legislation at issue in this case. A copy of this Petition shall be served on Attorney General Bailey as a defendant in this proceeding and pursuant to Rule 87.04 of the Missouri Rules of Civil Procedure.

## **JURISDICTION AND VENUE**

6. This action accrued in the State of Missouri.
7. Venue is proper in this Court. § 508.010, RSMo.
8. This Court has jurisdiction to consider this Petition as Plaintiffs seek injunctive relief, a declaration of rights, status, and other legal relations, and all other available relief. § 526.030, 527.010, RSMo.

9. This Petition is timely-filed pursuant to § 516.500, RSMo.

**CLAIM FOR RELIEF**

**Violation of Article III, § 23 of the Missouri Constitution  
(Clear Title Requirement)**

10. Article III, section 23 of the Missouri Constitution says that “no bill shall contain more than one subject which shall be clearly expressed in its title.” *Jackson Cnty. Sports Complex Auth. v. State*, 226 S.W.3d 156, 161 (Mo. banc 2007).
11. Missouri courts have determined that this provision establishes two distinct requirements: a bill must have a “single subject,” and it also must have a “clear title.” *Calzone v. Interim Comm’r of Dept. of Elementary and Secondary Education*, 584 S.W.3d 310, 322 (Mo. banc 2019).
12. The “clear title” provision was designed to prevent fraudulent, misleading, and improper legislation, by requiring the title to indicate in a general way the kind of legislation being enacted; a provision that goes beyond a limitation in the title is invalid because such title affirmatively misleads the reader. *Nat’l Solid Waste Management Ass’n v. Dir. of Dept. of Natural Resources*, 964 S.W.2d 818, 820 (Mo. banc 1998).
13. “The clear title requirement is violated ‘when the final title of the passed bill is underinclusive or too broad and amorphous to be meaningful.’” *Cedar Cnty. Comm’n v. Parson*, 661 S.W.3d 766, 773 (Mo. banc. 2023).
14. “The mere fact that two subjects in a bill can be reconciled as part of a broader subject, and thus satisfy original purpose or single subject challenges, does

not, in itself, mean that the broader subject has been clearly expressed in the title of a bill.” *Nat’l Solid Waste Management Ass’n* at 821.

15. In this case the Plaintiff argues simply that Senate Bill 754 (SB 754), passed during the second regular session of the 102<sup>nd</sup> General Assembly, violates the Missouri Constitution’s “clear title” requirement because its final title was too broad and amorphous to be meaningful.
16. The Plaintiff asks the Court for a declaration that the truly agreed and finally passed SB 754 and the resulting changes made to the Revised Statutes of Missouri (“RSMo.”), are facially invalid due to this violation, and also for an injunction prohibiting the Defendants, their agents, or anyone acting on their behalf, from enforcing the unconstitutional provisions.
17. SB 754 was truly agreed to and finally passed on May 17, 2024. A true and correct copy of SB 754 as truly agreed to and finally passed is attached hereto as Exhibit 1 and incorporated by reference as if fully set forth herein.
18. 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.
19. 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. (emphasis added)
20. The Missouri Supreme Court recently stated that it has found “phrases such

as ‘public safety’ are too broad and amorphous to describe the subject of a pending bill with the precision necessary to provide notice of its contents.” *City of St. Louis v. State*, 682 S.W.3d 387, 402 (Mo. banc 2024).

21. Despite this observation, the *City of St. Louis* court did not directly address the question of whether a bill title that suggests “public safety” as the bill’s subject would violate the “clear title” requirement because the plaintiff in that case did not raise a “clear title” challenge.
22. This case squarely presents that question and asks the courts to confirm that a bill title that merely lists “public safety” as the bill’s subject is indeed “too broad and amorphous to describe the subject of [that] bill with the precision necessary to provide notice of its contents.”
23. SB 754 violates Article III, § 23 of the Missouri Constitution, and thus is invalid.

WHEREFORE, Plaintiffs respectfully request that the Court:

- a. Enter a declaratory judgment finding SB 754 in violation of the “clear title” requirement of Article III, § 23 and therefore invalid and unenforceable;
- b. Enter a permanent injunction against the enforcement SB 754 and any of the changes to the Missouri Revised Statutes resulting therefrom; and
- c. Order such other and additional relief as the Court deems just and proper.

Respectfully Submitted,



David Roland,

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