

Bond Case Briefs

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REFERENDA - MISSOURI

Byrd v. State

Supreme Court of Missouri, en banc - December 19, 2023 - S.W.3d - 2023 WL 8790264

Objectors brought action against State for declaratory and injunctive relief, alleging that house bill, which had been passed by House of Representatives and Senate and signed into law and which related to political subdivisions, violated the single subject, clear title, and original purpose requirements of state constitution.

The Circuit Court sustained State's motion for judgment on pleadings. Objectors appealed.

The Supreme Court held that:

- Bill's inclusion of provisions regulating expenditure of state funds for housing or homelessness violated constitution's single subject requirement, and
- Non-germane provisions were not severable, and thus entire bill was required to be struck.

House bill, which had been passed by House of Representatives and Senate and signed into law, relating to political subdivisions violated constitution's single subject requirement by including provisions regulating the expenditure of state funds for housing or homelessness, even though such provisions would apply to political subdivisions receiving those funds; connection between political subdivisions and homelessness was remote at best, and provisions included portions that did not relate to political subdivisions at all, such as subsection providing certain immunity to private campground operators.

It was not clear beyond reasonable doubt that house bill relating to political subdivisions would have been passed by General Assembly without the portions of bill that, in violation of constitution's single subject requirement, were not germane to subject of political subdivisions, namely provisions regulating the expenditure of state funds for housing or homelessness, and therefore the non-germane provisions were not severable and entire bill was required to be struck; narrative title of bill had been changed in Senate after bill was passed by house, and provision at issue was added to bill by Senate Substitute.