IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

CEDAR COUNTY COMMISSION, et al.,	)	
	)	
RELATORS,	)	
	)	
v.	)	Case No. 19AC-CC00373
	)	
GOVERNOR MICHAEL PARSON, et al.,	)	
	)	
RESPONDENTS.	)	

JUDGMENT

The Court takes up Relators' Third Amended Motion for Summary Judgment, the State's Motion for Summary Judgment, and Motions to Strike filed by both sides. The Court has considered all of the detailed submissions.

This case does not ask the Court to decide whether concentrated animal feeding operations (CAFOs) are good or bad for communities or the State of Missouri. Whether wisdom or folly, they are nonetheless questions of public policy, upon which people of good faith, like the Relators in this case, may hold strong opinions. Nonetheless, "[q]uestions of public policy are to be determined by the legislature." *Powell v. Am. Motors Corp.*, 834 S.W.2d 184, 191 (Mo. banc 1992). Nor does this case ask the Court to approve or reject a permit for any specific CAFO. Permitting decisions are made by the Missouri Clean Water Commission, with any appellate review provided by the Administrative Hearing Commission and the Court of Appeals. § 644.051.6, RSMo. Instead,

this case involves five discrete questions of law relating to a single statutory subsection revised during the 2019 and 2021 legislative sessions:

(1) Whether § 192.300.1(2) is constitutional under the Right to Farm amendment;

(2) Whether § 192.300.1(2) applies to ordinances that existed before August 28, 2019;

(3) Whether § 192.300.1(2) preempts Cooper County Public Health Center Regulation 2019-6;

(4) Whether § 192.300.1(2) is constitutional under the due process and equal protection clauses of the state and federal constitutions; and

(5) Whether the General Assembly constitutionally enacted House Bill 271.

Because all five questions are answered in the affirmative as a matter of law, the Court grants the State Respondents' Motion for Summary Judgment, denies Relators' Motion for Summary Judgment, and enters judgment in favor of the State Respondents.

I. Parties, Background, and Procedural History

During the 2019 legislative session, the General Assembly truly agreed and finally passed Senate Substitute for Senate Bill 391. The Missouri Senate passed the bill 23-11, and the Missouri House passed the bill 103-44. Journal of the Senate, 61st Day (May 2, 2019), 977; Journal of the House, 69th Day

(May 14, 2019), 2378.[1] Governor Parson signed Senate Bill 391 on May 31, 2019. Journal of the Senate, Supplement (May 31, 2019), 1708.

During the 2021 legislative session, the General Assembly truly agreed and finally passed Conference Committee Substitute for Senate Substitute No. 2 for Senate Committee Substitute for House Committee Substitute for House Bill 271. The Missouri House third read and passed House Bill 271 by a vote of 147-2. Journal of the House, May 12, 2021, 2721-2722. The Missouri Senate truly agreed and finally passed House Bill 271 by a vote of 29-3. Journal of the Senate, May 12, 2021, 1719-1720.[2] Governor Parson signed House Bill 271 on June 15, 2021.

Relevant to this litigation, Senate Bill 391 (additions in bold) and House Bill 271 (additions in bold and underline) modified § 192.300.1(2) as follows:

> (2) Impose standards or requirements on an agricultural operation and its appurtenances, as such

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[1] The State Respondents included these pages and other House and Senate Journal pages relating to Senate Bill 391 as State's Exhibits 75 and 76 in support of the State Respondents' Motion for Summary Judgment. Even if the State Respondents had not submitted these exhibits, or if the Court did not accept them, the Court may take judicial notice of these votes from the legislative journals. "In Missouri, legislative journals are not only admissible in evidence but the courts may judicially notice the history of legislation as reflected by the record thereof in the legislative journals." *Brown v. Morris*, 290 S.W.2d 160, 167-68 (Mo. banc 1956) (taking judicial notice of a House vote to truly agree and finally pass a bill).

[2] The State Respondents included these pages and other House and Senate Journal pages relating to House Bill 271 as State's Exhibits 79 and 80 in support of the State's Motion for Summary Judgment.

> term is defined in section 537.295, that are **inconsistent with, in addition to, different from, or more stringent** than any provision of this chapter or chapters 260, 640, 643, and 644, or any rule or regulation promulgated under such chapters.

Before Senate Bill 391 was set to become law on August 28, 2019, the Cooper County Public Health Center (the "Public Health Center") promulgated Public Health Center Regulation 2019-6 ("Regulation 6") on August 13, 2019. Regulation 6 purports to impose air quality and water quality standards and requirements on Class I and II CAFOs.

On August 19, 2019, Relators initiated this action against the revisions to § 192.300.1(2) contained in Senate Bill 391. Relators are composed of two county governmental entities, the Cedar County Commission (the "Commission") and the Public Health Center; one corporate entity, Friends of Responsible Agriculture, Inc. ("FORAG"); and four individuals, Wanda Cassell, Jefferson Jones, Fred Williams, and Susan Williams. The Court granted Ms. Cassell leave to intervene in this action.

Relators have sued four government officials, who have proceeded in this litigation as the State Respondents: Governor Michael Parson; Richard Rocha, chair of the Missouri Air Conservation Commission; Ashley McCarty, chair of the Missouri Clean Water Commission; and Robert Knodell, the acting director of the Department of Health and Senior Services. The Court dismissed private party defendants by separate order on October 30, 2019.

During the pendency of this litigation, the Relators and the State Respondents have each fully briefed and argued three summary judgment motions. This Order addresses the most recent summary judgment motion filed by each party in response to Relators' Third Amended Supplemental Petition.

II. Standard for Reviewing a Motion for Summary Judgment

"Summary judgment is designed to permit the trial court to enter judgment, without delay, 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 Fin. Corp. v. Mid-Am. Marine Supply Corp.*, 854 S.W.2d 371, 376 (Mo. banc 1993) (citing Rule 74.04). "A 'genuine issue' is a dispute that is real, not merely argumentative, imaginary or frivolous. Where the 'genuine issues' raised by the non-movant are merely argumentative, imaginary or frivolous, summary judgment is proper." *Id.* at 382.

To obtain judgment as a matter of law as claimants, Relators "must establish that there is no genuine dispute as to those material facts upon which the 'claimant' would have had the burden of persuasion at trial." *Id.* at 381. In addition, "a claimant moving for summary judgment in the face of an affirmative defense must also establish that the affirmative defense fails as a matter of law." *Id.* "Unlike the burden of establishing *all* of the facts necessary

to his claim, however, the claimant may defeat an affirmative defense by establishing that *any one* of the facts necessary to support the defense is absent." *Id.* (emphasis original).

To obtain judgment as a matter of law as defendants, the State Respondents "may establish a right to judgment by showing (1) facts that negate *any one* of the claimant's elements facts, (2) that the non-movant, after an adequate period of discovery, has not been able to produce, and will not be able to produce, evidence sufficient to allow the trier of fact to find the existence of *any one* of the claimant's elements, or (3) that there is no genuine dispute as to the existence of *each* of the facts necessary to support the movant's properly-pleaded affirmative defense." *Id.* (emphasis original). "Regardless of which of these three means is employed by the 'defending party,' each establishes a right to judgment as a matter of law." *Id.*

III. Summary Judgment Merits

For purposes of resolving the merits, the Court assumes, without deciding, that Relators have standing to bring these claims, and these claims are ripe for adjudication.

IV. Motions to Strike

Because Relators claims fail as a matter of law, this Court need not reach the issues raised in the parties' competing motions to strike.

V. Count I – Right to Farm Claim

Relators claim that § 192.300.1(2) is unconstitutional because it conflicts with the Right to Farm Amendment, found in Article I, § 35. Finding no conflict exists, the Court renders judgment as a matter of law on this claim to the State Respondents.

Statutes are presumed to be constitutional. *State v. Shanklin*, 534 S.W.3d 240, 241-42 (Mo. banc 2017). "The Court will not invalidate a statute unless it clearly and undoubtedly contravenes the constitution and plainly and palpably affronts fundamental law embodied in the constitution." *Smith v. Coffey*, 37 S.W.3d 797, 800 (Mo. banc 2001). Relators have the burden to prove the statute clearly and undoubtedly violates the constitution. *Shanklin*, 534 S.W.3d at 242. This is a "heavy burden." *Blaske v. Smith & Entzeroth, Inc.*, 821 S.W.2d 822, 835 (Mo. banc 1991).

The Right to Farm Amendment guarantees the right of farmers and ranchers to engage in farming and ranching practices. MO. CONST. art. I, § 35. Relators have failed to identify any provision in § 192.300.1(2) that infringes on the right of farmers and ranchers to engage in farming and ranching practices. Thus, Relators have not shown a textual conflict between the Right to Farm Amendment and § 192.300.1(2). Without any evidence or argument that a conflict exists, Relators' claim fails as a matter of law.

Relators attempt to show a conflict between § 192.300.1(2) and the Right to Farm Amendment by pointing to the "subject to duly authorized powers, if any, conferred by article VI of the Constitution of Missouri" clause at the end of the amendment. While this claim is seductive, it nonetheless fails for three reasons.

First, under this clause, the right to farm is subject to duly authorized powers, if any, conferred by Article VI. Again, Relators have made no showing that any provision in § 192.300.1(2) infringes on the right of farmers and ranchers to engage in farming and ranching practices. In addition, the clause does not say that agriculture or the legislature is subject to duly authorized powers, if any, conferred by Article VI. Furthermore, the Amendment's inclusion of "if any" means that it is possible that no duly authorized powers have been conferred, or will be conferred in the future, by Article VI.

Second, contrary to Relators' suggestion, § 192.300 is not an authorized power conferred by Article VI. Instead, according to the Supreme Court, § 192.300 arises out of Article IV. *Readey v. St. Louis County Water Co.*, 352 S.W.2d 622, 624–25 (Mo. 1961); *see also Avanti Petroleum, Inc. v. St. Louis County*, 974 S.W.2d 506, 508 (Mo. App. E.D. 1998). Relators have not attempted to distinguish *Readey*. Instead, Relators point to a Supreme Court decision that does not mention or cite § 192.300. *See Shoemyer v. Missouri*

Sec'y of State, 464 S.W.3d 171 (Mo. banc 2015). The Court does not find *Shoemyer* supports Relators' argument.

Third, Relators do not identify a single provision of Article VI that they claim is violated by § 192.300.1(2). Section 192.300 is a power conferred by the General Assembly by statute, not a power conferred by Article VI. *Cf. Christian County v. Edward D. Jones & Co., L.P.*, 200 S.W.3d 524, 527 (Mo. banc 2006) ("Counties 'have no inherent powers but are confined to those expressly delegated by the sovereign and to those powers necessarily implied in the authority to carry out the delegated powers.'") (quoting *Premium Standard Farms, Inc. v. Lincoln Township of Putnam County,* 946 S.W.2d 234, 238 (Mo. banc 1997)). In Senate Bill 391 and House Bill 271, the General Assembly decided to further restrict commission and health board authority to enact county health ordinances to eliminate local regulation that was inconsistent with, in addition to, different from, or more stringent than applicable state law.

Because no part of the Right to Farm Amendment indicates that it sought to limit the General Assembly's power, the Amendment must be interpreted as not nullifying or restricting that power. *See Brown v. Morris*, 290 S.W.2d 160, 167 (Mo. banc 1956) ("Due regard for a coordinate branch of the government would likewise require that any doubt as to the power of the legislature be resolved in favor of the general assembly and against nullifying

or restricting its power of operation."). Before the Right to Farm Amendment, the General Assembly already had included limitations in § 192.300 by preempting any county commission or county health board action that conflicted with rules or regulations issued by the Department of Health and Senior Services and the Department of Social Services. § 192.300.1(1), RSMo. Consistent with that statutory provision, § 192.300 now also preempts a county from imposing inconsistent or more stringent standards or requirements on an agricultural operation and its appurtenances. § 192.300.1(2), RSMo.

The Court reluctantly disagrees with Relators that § 640.710.5 has applicability to any of Relators' claims. Section 640.710.5 states in full: "Nothing in this section shall be construed as restricting local controls." First, because § 640.710.5 relates to the absence of field preemption and § 192.300.1(2) creates express preemption, not field preemption, the two sections are not addressing the same subject. Second, § 640.710.5 applies only to § 640.710 and does not apply to § 192.300 or legislative power under the plain text and canons of construction that require every part of § 192.300.1(2) to have meaning and specific, later statutes to control. *Dickemann v. Costco Wholesale Corp.*, 550 S.W.3d 65, 68 (Mo. banc 2018); *S. Metro. Fire Prot. Dist. v. City of Lee's Summit*, 278 S.W.3d 659, 666 (Mo. banc 2009).

The Court grants summary judgment to the State Respondents on Relators' claim under the Right to Farm Amendment.

VI. Count II – Retroactivity

Relators claim that § 192.300.1(2) does not apply retroactively. Finding § 192.300.1(2) applies to any ordinances or regulations that impose standards or requirements that are inconsistent with or more stringent than applicable state law, regardless of when they were adopted, the Court renders judgment as a matter of law on this claim to the State Respondents.

To the extent that Relators claim that § 192.300.1(2) violates the Constitution's Article I, § 13 prohibition on retrospective laws, Relators did not present evidence that § 192.300.1(2) impairs a vested right. A person does not have a vested right to the law remaining unchanged. *Fisher v. Reorganized School Dist. No. R-V of Grundy County*, 567 S.W.2d 647, 649 (Mo. banc 1978); *see also La-Z-Boy Chair Co. v. Dir. of Econ. Dev.*, 983 S.W.2d 523, 525 (Mo. banc 1999). In addition, Relators did not present evidence that § 192.300.1(2) operates retroactively. When § 192.300.1(2) became effective on August 28, 2019, it expressly preempted any county ordinances or regulations in effect on that day or any future day that are inconsistent with or more stringent than applicable state law. Section 192.300.1(2) did not need to operate retroactively to preempt ordinances and regulations that existed on August 28, 2019.

The General Assembly can restrict county authority through preemption statutes. *Page W., Inc. v. Cmty. Fire Prot. Dist. of St. Louis County*, 636 S.W.2d 65, 67 (Mo. banc 1982); *State ex rel. Mitchell v. City of Sikeston*, 555 S.W.2d

281, 289 (Mo. banc 1977). Unless they include a grandfathering clause, preemption statutes apply to existing ordinances and regulations that conflict with state law. *City of St. Peters v. Roeder*, 466 S.W.3d 538, 543 (2015); *Missouri Bankers Ass'n, Inc. v. St. Louis County*, 448 S.W.3d 267, 273-74 (Mo. banc 2014); *Am. Eagle Waste Indus., LLC v. St. Louis County*, 379 S.W.3d 813, 827 (Mo. banc 2012); *Morrow v. City of Kansas City*, 788 S.W.2d 278, 281 (Mo. banc 1990); *City of St. Louis v. Klausmeier*, 112 S.W. 516, 519 (Mo. 1908).

The General Assembly may allow existing ordinances that otherwise would be preempted to continue through a grandfathering clause. *See, e.g.*, *Coop. Home Care, Inc. v. City of St. Louis*, 514 S.W.3d 571, 585 (Mo. banc 2017) ("As is evident, HB 722 again demonstrates that the legislature was well aware that local minimum wage ordinances supplement the state minimum wage law and that they would not be preempted if in effect before August 28, 2015, the date set out in HB 722."). The General Assembly speaks clearly when it intends for existing ordinances to be grandfathered. *See, e.g.*, § 64.620.4 (exempting existing ordinances, such as zoning); § 266.600, RSMo (exempting existing ordinances and regulations relating to seed and fertilizer); § 285.055, RSMo (exempting existing ordinances and regulations relating to local minimum wages and benefits); § 319.343, RSMo (exempting existing ordinances and regulations relating to the use of explosives). When the General Assembly does not include a grandfathering clause, it is speaking

clearly to preempt all existing ordinances, regardless of adoption date. *See, e.g.*, § 188.125, RSMo (preempting ordinances and regulations relating to abortion issues); § 260.283.2, RSMo (preempting bans relating to grocery bags); § 304.820.11, RSMo (preempting ordinances and regulations relating to use of hand-held mobile devices in mobile vehicles). House Bill 722 (2015) highlights this contrast because it contained grandfathering language for preemption of local minimum wages, but did not include such language for a different section's preemption of local bans on grocery bags. State's Exhibit 69.

The General Assembly made clear its intent that § 192.300.1(2) apply to all ordinances and regulations, regardless of effective date. During Senate Bill 391's consideration, the Senate rejected an amendment that proposed to limit § 192.300.1(2)'s application by grandfathering all existing county health ordinances and regulations enacted before August 28, 2019. Journal of the Senate, 58th Day (April 29, 2019), 887. The Senate's rejection of this amendment and the absence of grandfathering language from the final version of § 192.300.1(2) expresses the General Assembly's intent that § 192.300.1(2) applies to all ordinances and regulations, regardless of effective date.

Beginning August 28, 2019, § 192.300.1(2) preempted any county standards or requirements inconsistent with or more stringent than state law, including any standards or requirements enacted before August 28, 2019. *See Missouri Bankers Ass'n,* 448 S.W.3d at 273-74; *Morrow v. City of Kansas City,*

788 S.W.2d at 281 (Mo. banc 1990). Now as revised by House Bill 271, any standards or requirements that are inconsistent with, in addition to, different from, or more stringent than state law are void, regardless of when the county enacted them.

The Court grants summary judgment to the State Respondents on Relators' retroactivity claim.

VII. Count III – Preemption

Relators claim that § 192.300.1(2) does not preempt Public Health Center Regulation 6.[3] Finding that Regulation 6 imposes standards and requirements that are inconsistent with and more stringent than applicable state law, the Court renders judgment as a matter of law on this claim to the State Respondents. The Court also finds that Regulation 6 imposes standards and requirements that are in addition to and different from state law. Accordingly, the Court does not need to reach the State Respondents' alternative arguments that Regulation 6 is preempted by Missouri's nuisance law, zoning law, or § 266.600.1, RSMo; Chairs Rocha and McCarty are not proper parties; and Regulation 6 cannot regulate ammonia or hydrogen sulfide

[3] In Count III, Relators have not claimed that Cedar County Commission's Ordinance 05102016, which is based on a Linn County CAFO ordinance, is not preempted by § 192.300.1(2).

emissions based on the Public Health Center's admission that these emissions do not cause infectious, contagious, communicable or dangerous diseases.

VIII. Count IV – Equal Protection and Due Process

Relators claim that § 192.300.1(2) violates the equal protection and due process provisions of the state and federal constitutions. Finding no violation, the Court renders judgment as a matter of law on this claim to the State Respondents.

To prove either their equal protection or due process claims, Relators must establish the violation of a fundamental right. *State ex rel. Nixon v. Powell*, 167 S.W.3d 702, 705 (Mo. banc 2005) (citing *Washington v. Glucksberg*, 521 U.S. 702, 720–21 (1997)); *Mahoney v. Doerhoff Surgical Services, Inc.*, 807 S.W.2d 503, 512 (Mo. banc 1991). Relators do not cite to any decision in which a court recognized fundamental rights to "personal health and being free of exposure to COVID-19" or to "expect their elected officials to take reasonable and appropriate actions to guard and protect their health and safety." Third Am. Pet. ¶¶ 81, 82; Relators' Suggestions in Opp'n to State's Mot. for Summ. J., Aug. 11, 2021, p. 10. Relators have thus failed to prove an equal protection or due process violation.

Relators also have not shown that the statute impacts a suspect class, treats similarly situated persons differently, or overcome the presumption that § 192.300.1(2) has a rational basis by negating every conceivable basis which

might support it. *Dodson v. Ferrara*, 491 S.W.3d 542, 559 (Mo. banc 2016); *Amick v. Director of Revenue*, 428 S.W.3d 638, 641 (Mo. banc 2014); *Blaske v. Smith & Entzeroth, Inc.*, 821 S.W.2d 822, 829 (Mo. banc 1991).

Therefore, the Court renders judgment as a matter of law on Count IV to the State Respondents.

IX. Count V – Constitutionality of House Bill 271

Finally, Relators claim that House Bill 271 violates the constitutional requirements for passage in Article III, §§ 21 and 23. Importantly for this case, Relators do not claim that the amendments to § 192.300 violate any of the Constitution's requirements for a bill's passage. Finding no violation, the Court renders judgment as a matter of law on this claim to the State Respondents.

A. House Bill 271 does not violate the original purpose requirement.

Relators first allege that House Bill 271 violates the original purpose requirement. "A bill's original purpose is measured at the time of the bill's introduction," and the Court "will compare the purpose of the original bill as introduced with the bill as passed to determine whether it violates article III, section 21." *Trenton Farms RE, LLC v. Hickory Neighbors United, Inc.*, 603 S.W.3d 286, 294 (Mo. banc 2020) (internal citations omitted). "Purpose means the general purpose of the bill, not the mere details through which and by

which that purpose is manifested and effectuated." *Calzone v. Interim Comm'r of Dep't of Elementary & Secondary Educ.*, 584 S.W.3d 310, 317 (Mo. banc 2019). "Article III, section 21 was not designed to inhibit the normal legislative processes in which bills are combined and additions necessary to comply with the legislative intent are made." *Id.* (quotations and citations omitted). The Supreme Court "liberally interprets the procedural limitation of original purpose," and "resolves all doubts in favor of the procedural and substantive validity of legislative acts." *Trenton Farms RE, LLC v. Hickory Neighbors United, Inc.*, 603 S.W.3d 286, 294 (Mo. banc 2020) (internal citations omitted). For several reasons, H.B. 271 does not violate the original purpose requirement.

House Bill 271's original and final titles are strong evidence that H.B. 271 does not violate the original purpose requirement. Courts examine a bill's "earliest title and contents to determine whether its original purpose changed during the legislative process." *Calzone*, 584 S.W.3d at 318. When introduced, House Bill 271's title was "An [a]ct [t]o amend chapter 37, RSMo, by adding thereto nine new sections relating to the Missouri local government expenditure database." The final bill's title was "An [a]ct [t]o repeal [36 statutory sections] and to enact in lieu thereof fifty-one new sections relating to local government, with penalty provisions and an emergency clause for

certain sections." In both versions of the bill, the title demonstrates that it pertains to local government matters.

Likewise, the contents of House Bill 271 in its earliest and final forms confirm that the bill does not violate the original purpose requirement. The original bill outlined requirements for an online database that would provide transparency for all local government operations by making their expenditures accessible. The bill was designed to regulate matters pertaining to local governmental operations. And that purpose is evident in House Bill 271's final form, which expanded upon the local governmental regulation purpose through enacting provisions concerning local government, including county regulation of county property; county-level officials' obligations and privileges; county competitive bidding processes; formation of special purpose districts by political subdivisions; local elections; exceptions to regulations of sales of scrap metals by sellers who are political subdivisions; and salary for court reporters employed by county circuit courts. House Bill 271 is thus similar to the many other bills upheld by the Supreme Court against original purpose attacks. *See, e.g.*, *Calzone*, 584 S.W.3d at 318 (bill concerning elementary and secondary education); *Jackson County Sports Complex Authority v. State*, 226 S.W.3d 156, 160-62 (Mo. banc 2007) (bill concerning local government).

The Court grants summary judgment to the State Respondents on Relators' original purpose claim.

B. House Bill 271 does not violate the single subject requirement.

Article III, § 23 provides that "[n]o bill shall contain more than one subject which shall be clearly expressed in its title[.]" Focusing on the final title of the bill, the test is whether all provisions of the bill "fairly relate to the same subject, have a natural connection therewith or are incidents or means to accomplish its purpose." *Hammerschmidt v. Boone Cty.*, 877 S.W.2d 98, 102 (Mo. banc 1994). As the Supreme Court has said for 150 years, the "'subject' within the meaning of article III, § 23, includes all matters that fall within or reasonable relate to the general core purpose of the proposed legislation." *Id.* (citing *State v. Mathews*, 44 Mo. 523, 527 (1869)). "The subject of a bill may be 'clearly expressed by . . . stating some broad umbrella category' when a bill has 'multiple and diverse topics' within a single, overarching subject." *Am. Eagle Waste Indust. v. St. Louis Cty.*, 379 S.W.3d 813, 826 (Mo. banc 2012) (per curiam) (quoting *Jackson Cty. Sports Complex Auth. v. State*, 226 S.W.3d 156, 160 (Mo. banc 2007)).

Relators' Third Amended Petition challenged only four of House Bill 271's 51 sections as outside the single subject "relating to local government." Relators' summary judgment motion, however, challenged 16 different sections. Assuming that Relators can challenge provisions in House Bill 271 that were not raised in their Third Amended Petition, Relators' single subject

claim fails. All of the provisions Relators challenge relate to local government, such as county recorders (§ 59.021), the City of St. Louis license collector (§ 82.390), county collectors (§ 139.100), and other local government entities and officials.

The Court grants summary judgment to the State Respondents on Relators' single subject claim.

C. House Bill 271 does not violate the clear title requirement.

Article III, § 23, also requires legislation to have a clear legislative title. The general rule is that a "title is constitutionally clear where it indicates in a general way the kind of legislation that was being enacted." *Am. Eagle Waste Indus., LLC v. St. Louis County*, 379 S.W.3d 813, 826 (Mo. banc 2012) (internal citations and quotations omitted). In making the clear-title determination, courts review whether the title is too broad or too narrow. Courts will strike down legislation for having an excessively broad title if the title "fails to identify a single subject." *Id.* In judging whether a bill's title is too narrow, "the title of a bill contains a particular limitation or restriction, a provision that goes beyond the limitation in the title is invalid because such title affirmatively misleads the reader." *Fust v. Attorney Gen. for the State of Mo.*, 947 S.W.2d 424, 428 (Mo. banc 1997).

House Bill 271's final title, "an act . . . relating to local government" closely parallels legislative titles upheld by the Supreme Court. *Missouri State*

Med. Ass'n v. Missouri Dept. of Health, 39 S.W.3d 837, 841 (Mo. banc 2001) (upholding the title "relating to health services"); *C.C. Dillon Co. v. City of Eureka*, 12 S.W.3d 322 (Mo. banc 2000) (upholding the title "relating to transportation"); *Corvera Abatement Techs., Inc. v. Air Conservation Comm'n*, 973 S.W.2d 851, 862 (Mo. banc 1998) (upholding the title "relating to environmental control"). H.B. 271's title is not too broad or too narrow, and indicates in a general way the kind of legislation that was being enacted.

The Court grants summary judgment to the State Respondents on Relators' clear title claim.

D. Section 67.265 is constitutional.

Relators broadly allege that § 67.265 is "arbitrary, capricious, unreasonable, unconstitutional, unlawful, and violates the substantive Due Process provisions in the U.S. and Missouri Constitution." Third Am. Pet., June 22, 2021, ¶¶ 97.G. Relators do not provide any specific ways that § 67.265 is unconstitutional or unlawful in their operative petition or briefing. Lacking any substantive evidence, Relators have not demonstrated that § 67.265 violates any legal standard.

Section 67.265 is not arbitrary, capricious, unreasonable, unconstitutional, or unlawful, and judgment should be granted to the State Respondents as a matter of law.

The Court grants summary judgment to the State Respondents on Relators' Section 67.265 claims.

Order, Judgment, and Decree

The Court grants the State Respondents' Motion for Summary Judgment, denies Relators' Third Amended Motion for Summary Judgment, and denies both parties' Motions to Strike. Judgment is entered for State Respondents.

Judge Daniel Green, Div. II

Date: 12/23/21