

SECOND REGULAR SESSION

# HOUSE BILL NO. 3465

103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE KEATHLEY.

7351H.011

JOSEPH ENGLER, Chief Clerk

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## AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to the severability of provisions within legislation.

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

Section A. Chapter 1, RSMo, is amended by adding thereto one new section, to be  
2 known as section 1.141, to read as follows:

3 **1.141. If any provision of a legislative act is found unconstitutional by a court of**  
4 **competent jurisdiction for any reason, whether procedural or substantive, the provision**  
5 **shall be severed, the remaining provisions shall be valid, and the court shall presume**  
6 **that the general assembly would have enacted the valid provisions without the void one,**  
7 **provided that if the court finds by clear and convincing evidence that the general**  
8 **assembly would not have enacted the valid provisions absent the void provision, then the**  
9 **valid provisions shall also be declared invalid. Clear and convincing evidence shall**  
include, but not be limited to, a finding that the valid provisions, standing alone, are  
incomplete and are incapable of being executed in accordance with the legislative intent.

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EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.