

HB 3465 -- SEVERABILITY OF PROVISIONS WITHIN LEGISLATION

SPONSOR: Keathley

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Legislative Review by a vote of 5 to 3.

This bill specifies that any provision of legislation that is found to be unconstitutional for any reason will be severed and the remaining provisions will be valid.

The court will presume that the General Assembly would have enacted the valid provisions without the unconstitutional provision or provisions; however, if the court finds by clear and convincing evidence that the General Assembly would not have enacted the valid provisions without the unconstitutional provision, the valid provisions will also be declared unconstitutional.

PROPOSERS: Supporters say that this would apply to any legislative act, including joint resolutions and concurrent resolutions, not just statutes. This bill provides to the court clear criteria to assist in determining whether to strike a bill down in its entirety or sever the provisions.

Testifying in person for the bill were Representative Keathley; and Campaign Life Missouri.

OPPOSERS: There was no opposition voiced to the committee.

Written testimony has been submitted for this bill. The full written testimony and witnesses testifying online can be found under Testimony on the bill page on the House website.