



MISSOURI HOUSE OF REPRESENTATIVES
WITNESS APPEARANCE FORM

BILL NUMBER: HB 3465		DATE: 3/10/2026
COMMITTEE: Legislative Review		
TESTIFYING: <input checked="" type="checkbox"/> IN SUPPORT OF <input type="checkbox"/> IN OPPOSITION TO <input type="checkbox"/> FOR INFORMATIONAL PURPOSES		
WITNESS NAME		
BUSINESS/ORGANIZATION:		
WITNESS NAME: BYRON KEELIN		PHONE NUMBER: 314-402-0655
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We strongly support House Bill 3465 because it is essential for ensuring that the true intentions of Missouri's voters and lawmakers are respected. Without a severability clause, courts are sometimes forced to strike down entire laws based on a single unconstitutional provision, in effect assuming they fully understand the broader legislative intent. This not only undermines the democratic process but also risks erasing vital reforms that legislators and the people of Missouri have worked hard to advance.

By including a severability clause, this bill makes it clear that only the problematic portions of a law should be invalidated, keeping the remaining reforms intact. It is not the role of the courts to speculate on legislative intent when lawmakers can explicitly state it through severability provisions, ensuring that key policy improvements remain in effect even if part of a bill faces legal challenges.



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WITNESS NAME			
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WITNESS NAME			
INDIVIDUAL:			
WITNESS NAME: SARAH BERRY		PHONE NUMBER:	
BUSINESS/ORGANIZATION NAME:		TITLE:	
ADDRESS:			
CITY:		STATE:	ZIP:
EMAIL:	ATTENDANCE: Written	SUBMIT DATE: 3/10/2026 7:44 AM	

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HB 3465 attempts to impose a statutory rule directing how courts must treat unconstitutional provisions within legislative acts. The bill instructs courts to presume that the General Assembly would have enacted the remaining provisions of a statute even when a portion of that statute is declared unconstitutional and further imposes a heightened “clear and convincing evidence” standard before any remaining provisions may be invalidated.

This approach raises serious separation-of-powers concerns. Determinations regarding severability are a core function of the judiciary. Courts must independently determine whether remaining statutory provisions are capable of functioning as law and whether legislative intent supports severance. The legislature may express a preference through severability clauses, but it does not possess the authority to dictate how courts conduct constitutional analysis.

HB 3465 appears to go beyond expressing legislative preference and instead attempts to direct the judiciary to apply a presumption and evidentiary standard designed to preserve legislation even when portions are found unconstitutional. Such an approach risks intruding upon the judiciary’s constitutional role and may itself invite the very constitutional scrutiny the bill purports to guard against.

Legislation cannot insulate itself from judicial review by prescribing how courts must evaluate constitutional defects. When a statute is unconstitutional, the judiciary — not the legislature — determines the scope of the remedy. Any attempt to legislate around that fundamental principle should be approached with substantial caution.

For these reasons, the constitutional implications of HB 3465 warrant careful reconsideration before enactment.