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**Political Subdivisions, Homelessness, and Vacancy: How Missouri's  
Use of Logrolling Passed House Bill 1606**

Kateri Busiek\*

On June 29, 2022, Governor Parson signed into law House Bill 1606 (“HB 1606”) entitled “An act to repeal [forty-two] sections... and to enact in lieu thereof fifty new sections relating to political subdivisions...” (“political subdivisions”).<sup>1</sup> The original purpose of HB 1606 changed how counties prepared and published financial statements.<sup>2</sup> As an addendum to HB 1606, section 67.2300 bans unauthorized sleeping, camping, and construction of tents on state-owned land.<sup>3</sup> Section 67.2300 allows the attorney general to sue cities for violating the provisions of section 67.2300.<sup>4</sup> If the city has a higher per-capita rate of homelessness than the state average, the state will receive no further state funding until the city is at or below the state average of unsheltered homeless.<sup>5</sup> Any person who repeatedly uses state-owned land for unauthorized sleeping, camping or the construction of long-term shelters could face fines or jail time.<sup>6</sup>

The bill originated from the conservative Texas think tank, Cicero Institute.<sup>7</sup> The anti-homeless addendum is part of a national trend to eradicate “tent cities” and discourage the “Housing First” model as a solution to homelessness.<sup>8</sup> Other states, including Georgia, Arizona, Texas, and Wisconsin, have enacted similar legislation based on Cicero Institute’s model.<sup>9</sup>

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<sup>1</sup> H.B. 1606, 2022 101<sup>st</sup> Gen. Assembly, 2<sup>nd</sup> Regular Session (Mo. 2022).

<sup>2</sup> Pls.’ Pet. 2.

<sup>3</sup> H.B. 1606, 2022 101<sup>st</sup> Gen. Assembly, 2<sup>nd</sup> Regular Session (Mo. 2022).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> Bates, Clara, *Advocates, providers scramble as Missouri’s new homelessness law goes into effect*, Missouri Independent (January 17, 2023), <https://missouriindependent.com/2023/01/17/advocates-providers-scramble-as-missouris-new-homelessness-law-goes-into-effect/>.

<sup>8</sup> *Id.*; Housing First model prioritizes permanent, affordable housing as a solution to homelessness. *Id.*

<sup>9</sup> *Id.*

Since HB 1606's enactment, Missouri lawyers have filed suit to overturn HB 1606. Legal Services of Eastern Missouri ("Legal Services") filed a lawsuit in Cole County against the State of Missouri, alleging HB 1606 violates the (1) single-subject, (2) clear title, and (3) original purpose requirements of the Missouri Constitution.

**Single Subject Expressed Clearly in Title:** The Missouri Constitution provides that "No bill shall contain more than one subject which shall be clearly expressed in its title..."<sup>10</sup> The purpose of the one-subject rule is to prevent the combination of diverse measures which have no common theme, a practice known as logrolling.<sup>11</sup> Legislators often logroll measures together for fear they would not survive passage on their own. The Missouri Constitution prohibits logrolling to provide adequate notice to legislators and the public about the contents of the bill.

Legal Services argues that HB 1606 violates the single-subject requirement of the Missouri Constitution by logrolling multiple, unrelated provisions together.<sup>12</sup> Legal Services argues that the general subject of House bill 1606 is political subdivision and section 67.2300 has little relation to political subdivisions.<sup>13</sup> The State of Missouri argued HB 1606 does not violate the single-subject requirement because all provisions have a "natural connection" with the subject expressed in the bill's title.<sup>14</sup> Missouri does not offer any further explanation on the single-subject requirement. Section 67.2300 does specifically name 'political subdivision' when prohibiting political subdivisions from adopting policies that prohibit the enforcement of section 67.2300.<sup>15</sup> To determine if a bill contains more than one subject, the Court examines if all provisions of the bill fairly relate to the same subject or have a natural connection to the purpose.<sup>16</sup> The Court is not

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<sup>10</sup> Mo. Const. art. III, § 23

<sup>11</sup> *City of De Soto v. Parson*, 625 S.W.3d 412, 416 (Mo. 2021) (en banc).

<sup>12</sup> Pls.' Pet. 2.

<sup>13</sup> *Id.*

<sup>14</sup> Defs.' Answer to Pls.' Pet. 5.

<sup>15</sup> H.B. 1606, 2022 101<sup>st</sup> Gen. Assembly, 2<sup>nd</sup> Regular Session (Mo. 2022).

<sup>16</sup> *C.C. Dillon Co. v. City of Eureka*, 12 S.W.3d 322, 327 (Mo. 2000) (en banc) (holding provisions concerning billboards fairly relate to transportation such that it does not violate the single subject

concerned with the relationship between individual provisions, but between the provision and the subject as expressed in the title.<sup>17</sup> Legal Services of Eastern Missouri asserts the general subject of HB 1606 is political subdivisions and section 67.2300 is concerned with homelessness.<sup>18</sup> Thus, section 67.2300 does not fairly relate to political subdivisions and is not a means to accomplish the purpose of regulating political subdivisions.<sup>19</sup>

Legal Services argues HB 1606 violates the clear-title requirement of the Missouri Constitution.<sup>20</sup> Missouri argues HB 1606 does not violate the clear title requirement because the title is not so restrictive that some provisions fall outside the scope or too broad that it fails to give notice.<sup>21</sup> Courts have held that if a bill contains a particular limitation, a provision that goes beyond the limitation is invalid because it affirmatively misleads the reader.<sup>22</sup> Like the single-subject requirement, its purpose is to prevent fraudulent, misleading, or improper legislation.<sup>23</sup> The title needs to indicate the general contents of the bill but should not be so broad to obscure the contents of the act.<sup>24</sup> The Title of HB 1606 is to “repeal [forty-two sections of the Revised Statutes of Missouri] and to enact in lieu thereof fifty new

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requirement); *City of De Soto v. Parson*, 625 S.W.3d 412, 417 (Mo. 2021) (en banc) (holding that a bill’s provisions concerning an annexation’s effect on fire department efforts does not fairly relate to bill’s subject of elections despite a possibility of an election).

<sup>17</sup> *C.C. Dillon Co.*, 12 S.W.3d 328 (Mo. 2000); see also *Trenton Farms, LLC v. Hickory Neighbors United, Inc.*, 603 S.W.3d 286, 295 (Mo. 2020) (en banc) (holding that the sections concerning the composition of the clean water commission who regulates the waters of the state, fairly relates to the title ‘regulation of water systems’).

<sup>18</sup> Pls.’ Pet. 2.

<sup>19</sup> *Id.* at 8.

<sup>20</sup> *Id.*

<sup>21</sup> Defs.’ Answer to Pls.’ Pet. 5.

<sup>22</sup> *C.C. Dillon Co. v. City of Eureka*, 12 S.W.3d 322, 326 (Mo. 2000) (en banc) (holding the subject of billboards is included in the title of the bill, “relating to transportation” since federal highway transportation depends on state’s billboard regulations and MoDOT has authority over billboards).

<sup>23</sup> *Fust v. Att’y Gen. for the State of Mo.*, 947 S.W.2d 424, 429 (Mo. 1997) (en banc).

<sup>24</sup> Compare *Nat’l Solid Waste Mgmt. Ass’n v. Dir. of the Dep’t of Nat. Res.*, 964 S.W.2d 818, 821 (Mo. 1998) (en banc) (holding provisions concerning hazardous waste management do not conform to the title of solid waste management which makes the title misleading), and *Westin Crown Plaza Hotel Co. v. King*, 664 S.W.2d 2, 6 (Mo. 1984) (en banc) (holding provisions that increase license fees for hotels is within the broad category of “fees related to the Division of Health”).

sections relating to political subdivisions.”<sup>25</sup> Legal Services of Eastern Missouri asserts the provisions of section 67.2300 concerning homelessness go beyond the subject of regulating political subdivisions.<sup>26</sup>

**Original Purpose:** The Missouri Constitution prohibits the legislature from amending a bill such that it changes the bill’s original purpose.<sup>27</sup> In their answer to Plaintiff’s petition, Missouri asserted that HB 1606’s original purpose remained consistent through its passage in the General Assembly and amendment §67.2300 passes under the “germane test.”<sup>28</sup> For the sake of the original purpose test, germane is defined as: “in close relationship, appropriate, relative, pertinent, relevant or closely allied...alternations that bring about an extension or limitation of the scope of the bill are not prohibited, provided the changes are germane.” *Calzone v. Interim Comm’r of Dep’t of Elementary and Secondary Educ.*, 584 S.W.3d 310, 317 (Mo. Banc 2019). The original purpose of HB 1606 was to repeal sections and enact in lieu thereof new sections concerning county financial statements.<sup>29</sup>

Another addendum to HB 1606, section 92.720, proposes penalties and regulations to encourage landowners to maintain and pay delinquent taxes on vacant properties.<sup>30</sup> The legislature added section 92.720 to address the epidemic of vacancy and dilapidated properties in St. Louis.<sup>31</sup> Legal

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<sup>25</sup> H.B. 1606, 2022 101<sup>st</sup> Gen. Assembly, 2<sup>nd</sup> Regular Session (Mo. 2022).

<sup>26</sup> Pls.’ Pet. 5.

<sup>27</sup> Mo. Const. art. III, § 23.

<sup>28</sup> Defs.’ Answer to Pls.’ Pet. 6.; *cf. Trenton Farms, LLC. v. Hickory Neighbors United, Inc.*, 603 S.W.3d 286, 294 (Mo. 2020) (en banc) (holding the membership composition of the clean water commission is sufficiently germane to the bill’s original purpose of adding a provision relating to wastewater treatment system since several of the commission’s powers directly relates to the regulation of treatment facilities); *cf. C.C. Dillon Co.*, 12 S.W.3d 322, 326 (Mo. 2000) (en banc) (holding the amendments regarding billboards are sufficiently germane to the bill’s original purpose of the bill, transportation, since the function of billboards is to capture the attention of the travelling public).

<sup>29</sup> Pls.’ Pet. 9.

<sup>30</sup> Zokovitch, Grave, *House committee advances bill to address St. Louis vacancy problem*, St. Louis Post Dispatch (Feb. 23, 2022), [https://www.stltoday.com/news/local/govt-and-politics/house-committee-advances-bill-to-address-st-louis-vacancy-problem/article\\_7a97c0fe-3f1b-5d9a-b602-e5437a40f9b6.html](https://www.stltoday.com/news/local/govt-and-politics/house-committee-advances-bill-to-address-st-louis-vacancy-problem/article_7a97c0fe-3f1b-5d9a-b602-e5437a40f9b6.html).

<sup>31</sup> St. Louis has about 25,000 vacant properties. STL Vacancy Collaborative, *Understanding the Impact of Vacancy*, (last visited Feb. 11, 2023), <https://www.stlvacancy.com/>. Vacant land and abandoned dwellings lead to neighborhood blight, crime, and potential for disaster. STL Vacancy

Services of Eastern Missouri’s Neighborhood Vacancy Initiative supported section 82.720 in their effort to reduce vacancy in Missouri.<sup>32</sup> Severance is a method to sever a partially invalid statute from the remainder of the statute which remains intact and enforceable.<sup>33</sup> Severance is appropriate when the Court determines beyond a reasonable doubt that the legislature would have passed the bill without the additional provisions and the provisions are not essential to the efficacy of the bill.<sup>34</sup> Plaintiffs request the Court declare HB 1606 unconstitutional because it violates the single-subject, clear-title, and original-purpose requirements of the Missouri Constitution.<sup>35</sup> Plaintiffs also request that the Court declare section 67.2300 invalid and enjoin defendants from enforcing 67.2300. Plaintiffs request severance of section 67.2300 from the rest of HB 1606 because section 67.2300 is not essential to the effectiveness of HB 1606’s other provisions and the legislature likely would have passed HB 1606 without section 67.2300.<sup>36</sup> It then follows that section 92.720, since it is concerned with taxes for vacant properties, is vulnerable to severance since vacancy also does not have a natural connection to political subdivisions.

## CONCLUSION

The novelty of the legal field allows an organization to exercise a strong hand in opposing and supporting the same piece legislation. HB 1606 is

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Collaborative, Work Plan (2022-2023), chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.stlvacancy.com/uploads/1/2/7/4/127463804/workplan2223-web.pdf. The Vacancy Collaborative, a coalition of community members, private and non-profit stakeholders, and city agencies, is committed to addressing the vacancy epidemic through legislation, public awareness campaigns, and education. *Id.* Within the STL Vacancy Collaborative, the Neighborhood Vacancy Initiative, a unit of Legal Services of Eastern Missouri, is reducing vacancy in St. Louis through lawsuits against problem property owners, title clearance for non-profits, and simple estate-planning to assist low-income homeowners. Neighborhood Vacancy Initiative, <https://lsem.org/neighborhood-vacancy-initiative/> (last visited Feb. 11, 2023).

<sup>32</sup> *Id.*

<sup>33</sup> 82 C.J.S. Statutes § 107.

<sup>34</sup> *Mo. Roundtable for Life v. State*, 396 S.W.3d 348, 353 (Mo. 2013) (en banc).

<sup>35</sup> Pls.’ Pet. 9.

<sup>36</sup> Pls.’ Proposed Order. 13.

especially interesting as it combines measures that criminalize homeless encampments while also assisting cities like St. Louis address their vacancy epidemic. The fact that HB 1606 does not have a true purpose will likely be its downfall.

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