

IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

WILEY E. PRICE,

Petitioner,

vs.

JOSEPH ENGLER, in his official capacity
as Chief Clerk of the Missouri House of
Representatives,

and

KENNETH J. ZELLERS, in his official
capacity as Commissioner of the Missouri
Office of Administration,

Respondents.

Case No. 24AC-CC03514

ORDER AND JUDGMENT

This matter came before the Court for hearing on January 28, 2026, on Petitioner's Motion for Judgment on the Pleadings pursuant to Missouri Supreme Court Rule 55.27(b).

The Court has reviewed the Second Amended Petition, Respondents' Answer, the parties' briefing, and the exhibits incorporated into the pleadings. The material chronology is admitted and not in dispute. The issues presented are questions of law. For the reasons set forth below, Petitioner is entitled to judgment as a matter of law.

STANDARD GOVERNING JUDGMENT ON THE PLEADINGS

A motion for judgment on the pleadings is properly granted when, from the face of the pleadings, the moving party is entitled to judgment as a matter of law. *Mo. Mun. League v. State*, 489 S.W.3d 765, 768 (Mo. banc 2016). In ruling such a motion,

the Court looks to the opposing party's answer, treats as true all well-pleaded facts therein, and disregards legal conclusions or facts not well pleaded. *Collar v. Mo. Dep't of Corr.*, 314 S.W.3d 386, 388 (Mo. App. W.D. 2010); *Stephens v. Brekke*, 977 S.W.2d 87, 92, 94 (Mo. App. S.D. 1998); *Grove v. Sutcliffe*, 916 S.W.2d 825, 828 (Mo. App. W.D. 1995). A petitioner is entitled to judgment where the answer admits facts sufficient to establish the claim as a matter of law and fails to allege additional facts constituting a legally sufficient defense. *Good Hope Missionary Baptist Church v. St. Louis Alarm Monitoring Co.*, 306 S.W.3d 185, 191 (Mo. App. E.D. 2010). If, however, an answer admits the petition's factual allegations but pleads additional facts establishing a valid affirmative defense, judgment on the pleadings is improper. *Leggett v. General Indemnity Exchange*, 250 S.W.2d 710, 715 (Mo. 1952). (id., p. 1 , id., p. 2).

Here, Respondents' Answer admits the chronology that controls disposition of the motion, which is as follows:

CHRONOLOGY OF UNDISPUTED FACTS

A. Events Occurring During the 100th General Assembly

1. On January 9, 2019, the 100th Missouri General Assembly convened.
2. During the 100th General Assembly, the Missouri House of Representatives adopted House Resolution 7, which established the rules governing the House for that General Assembly and created the House Ethics Committee.

3. On January 29, 2019, the House adopted House Resolution 137, which established the Rules of Procedure of the Ethics Committee for the 100th General Assembly.

4. The Ethics Committee Rules of Procedure in effect during the 100th General Assembly set forth procedures for investigating ethics complaints and listed potential sanctions that could be recommended to the House.

5. On January 27, 2020, administrative staff of the Missouri House received a report alleging that Petitioner may have violated House policies.

6. The matter was referred to the House Ethics Committee of the 100th General Assembly for investigation pursuant to the rules then in effect.

7. The Ethics Committee conducted an investigation of the allegations with the assistance of outside legal counsel retained by the House.

8. On September 15, 2020, Petitioner appeared before the Ethics Committee and testified regarding the complaint.

9. On December 15, 2020, the Ethics Committee adopted its report in House Ethics Complaint No. 20-001.

10. The report recommended that the Missouri House impose censure and require Petitioner to pay \$22,492.25 in investigative costs.

11. The Ethics Committee Rules of Procedure in effect during the 100th General Assembly did not list the imposition of a fine, or reimbursement of investigative cost, as an available recommendation.

12. On December 16, 2020, the Ethics Committee reported its findings and recommendation to the Missouri House of Representatives.

13. On December 16, 2020, the 100th General Assembly adjourned sine die without the House voting on or adopting the Ethics Committee's recommendation.

B. Events Occurring During the 101st General Assembly

1. On January 6, 2021, the 101st Missouri General Assembly convened.

2. On that same date, the House adopted House Resolution 1, which established temporary rules governing the 101st General Assembly.

3. On January 6, 2021, House Ethics Complaint No. 20-001 was introduced in the Missouri House and read for the first time.

4. On January 13, 2021, the Missouri House adopted House Complaint 1, which imposed sanctions relating to the ethics complaint involving Petitioner.

5. On February 1, 2021, the House adopted House Resolution 70, which established the Ethics Committee Rules of Procedure for the 101st General Assembly.

6. Following the adoption of House Complaint 1, House officials notified Petitioner that deductions would be taken from his legislative compensation.

7. The Missouri Office of Administration processes payroll for the State of Missouri through the SAM II HR payroll system.

8. The Missouri House enters compensation information for members of the House into that payroll system.

9. Beginning in 2021, deductions of \$500 per pay period were entered into the payroll system and processed against Petitioner's compensation.

10. These deductions continued until a total of \$22,492.25 had been withheld from Petitioner's compensation.

11. No court entered a judgment against Petitioner for the investigative costs referenced in the Ethics Committee report.

12. No writ of garnishment or other judicial collection process was obtained authorizing deductions from Petitioner's compensation.

The critical sequence is undisputed. The Ethics Committee adopted its report on December 15, 2020. The 100th General Assembly adjourned sine die the following day without the House acting on the report. The monetary sanction and payroll deductions challenged in this action were imposed only after the 101st General Assembly convened.

CONCLUSIONS OF LAW

I. The controversy is justiciable and not barred by Respondents' asserted defenses.

Respondents principally contend that the Court may not adjudicate Petitioner's claims because the Missouri House was exercising its constitutional authority to discipline one of its members under Article III, section 18, and because the matters challenged are either nonjusticiable or insulated by separation-of-powers principles. The Court rejects that contention.

This case does not require the Court to supervise legislative debate, to prescribe internal parliamentary procedure, or to second-guess the House's abstract authority to discipline its members. Rather, the case concerns whether the specific

monetary sanction imposed here had lawful effect after adjournment sine die of the 100th General Assembly and whether the subsequent withholding of compensation through the statewide payroll system was authorized by law. Those are judicial questions. The Court is asked to determine the legal effect of adjournment sine die, the validity of later enforcement action based on an unadopted committee recommendation from a prior General Assembly, and the legality of administrative payroll deductions from compensation paid from the state treasury. Those issues are within the Court's competence and duty to decide.

Nor do Respondents' remaining defenses preclude relief on the pleadings. To the extent Respondents invoke sovereign immunity, Petitioner seeks declaratory and restorative relief from allegedly unlawful official action, including judicial review of the implementation of payroll deductions. To the extent Respondents invoke legislative immunity, the challenged conduct includes the ministerial execution of payroll deductions through the statewide payroll system, not merely legislative debate or voting. And to the extent Respondents rely on asserted notice or opportunities to be heard during the underlying ethics proceedings, those allegations do not establish lawful authority to seize compensation through payroll deductions after the fact. None of those defenses defeats Petitioner's claims as a matter of law on the admitted facts.

II. The December 2020 Ethics Committee recommendation expired upon adjournment sine die and could not be carried forward as operative unfinished business capable of later enforcement.

The first dispositive issue is whether the Ethics Committee recommendation adopted on December 15, 2020 retained operative legal effect after the 100th General Assembly adjourned sine die on December 16, 2020, such that the 101st General Assembly could later adopt and enforce it. The Court concludes it did not.

Under the Missouri Constitution, each General Assembly is a separate legislative body whose authority exists only for the duration of its own term and proceedings. When a legislative body adjourns sine die, unfinished matters terminate unless some constitutional provision preserves them. *State ex rel. Jones v. Atterbury*, 300 S.W.2d 806, 811 (Mo. banc 1957). As *Atterbury* explains, adjournment sine die “terminates its existence for legislative purposes,” and pending legislative business does not survive absent constitutional authority to the contrary. *Id.*

Respondents argue that adjournment did not affect the “validity” or “essential character” of the Ethics Committee report and that the House’s constitutional authority under Article III, section 18 allowed the 101st General Assembly to resume the matter under later-adopted rules. That argument confuses the continued existence of a historical document with continued operative legal force. The report remained part of the House’s records, but it was nonetheless only a recommendation from a committee of the 100th General Assembly to that House. The Committee’s authority derived from the rules of the 100th General Assembly, and its report was not self-executing. When the full House failed to act on the recommendation before adjournment sine die, the matter was left unfinished and expired with that General Assembly.

Respondents also rely on later-adopted temporary and permanent rules of the 101st General Assembly purporting to allow unfinished ethics matters from a prior General Assembly to be resumed. But a later House cannot retroactively preserve legal force in a recommendation that had already lapsed when the prior House adjourned sine die. Internal rules adopted by the 101st General Assembly could govern that body's own proceedings, but they could not revive an expired recommendation of a prior Assembly and treat it as if it remained pending. To hold otherwise would permit a later General Assembly to revive and enforce unresolved disciplinary matters of a prior body without meaningful temporal limitation, a result inconsistent with the principle recognized in *Atterbury* and with the separate institutional identity of each General Assembly.

Accordingly, the Court concludes that the Ethics Committee recommendation adopted on December 15, 2020, expired upon adjournment sine die of the 100th General Assembly on December 16, 2020, and could not lawfully serve as the basis for the monetary sanction later imposed on January 13, 2021.

III. The monetary sanction and payroll deductions were unlawful because they were imposed and enforced without lawful authority.

The pleadings establish that after the 101st General Assembly adopted House Complaint 1 on January 13, 2021, House officials directed that \$500 per pay period be deducted from Petitioner's legislative compensation until the full amount of \$22,492.25 had been collected, and that those deductions were entered into and processed through the statewide payroll system administered by the Office of

Administration. The pleadings further establish that no court entered a judgment against Petitioner for investigative costs and that no writ of garnishment or other judicial collection process was obtained. Those facts are dispositive.

Missouri law has long recognized that compensation attached to public office arises by law and may not be reduced or withheld except in the manner authorized by law. *State ex rel. Chapman v. Walbridge*, 153 Mo. 194, 54 S.W. 447, 449 (1899). That principle applies with particular force where compensation is paid from the state treasury through the statewide payroll system. Here, the challenged deductions were not the product of a judicial judgment, a garnishment proceeding, or any other pleaded legal collection process. They were instead implemented as recurring payroll deductions through the state administrative system.

The lack of lawful authority is compounded by the timing of the House rule changes on which Respondents rely to justify the monetary fine. The pleadings establish that, at the time of the conduct at issue in 2020 and at the time of the Ethics Committee's recommendation, the ethics rules then in effect did not authorize a monetary fine or assessment of investigative costs as an available punishment. The pleadings further establish that the 101st General Assembly later adopted rule changes purporting to permit prior ethics matters to be resumed and later adopted rule language invoked by Respondents to support restitution, costs, or similar monetary relief. Whatever force those later rules may have had prospectively within the 101st General Assembly, they could not retroactively supply legal authority for a monetary sanction based on prior conduct and on a committee recommendation made

under the rules of the 100th General Assembly. Missouri's constitutional prohibition on retrospective operation does not permit a later-adopted rule to attach a new disability or burden to completed conduct or to revive an expired recommendation so as to support a monetary fine. See *Rentschler v. Nixon*, 311 S.W.3d 783, 788 (Mo. banc 2010); *Doe v. Phillips*, 194 S.W.3d 833, 852 (Mo. banc 2006); *Hess v. Chase Manhattan Bank, USA, N.A.*, 220 S.W.3d 758, 769 (Mo. banc 2007).

Respondents argue, in substance, that the House's disciplinary action itself supplied sufficient authority for the collection of the assessed costs. But even assuming the House possessed broad disciplinary authority under Article III, section 18, that authority did not itself create a freestanding collection mechanism permitting administrative seizure of compensation paid from the state treasury. The constitutional power to discipline does not erase the requirement that money be withheld only pursuant to lawful authority. Nor can the House's later action cure the more fundamental defect that the underlying sanction itself lacked lawful effect after adjournment sine die of the 100th General Assembly.

For that reason, the payroll deductions fail for two independent reasons. First, the underlying monetary sanction lacked lawful effect. Second, even if one were to assume the sanction had been validly imposed, the admitted facts show that Respondents proceeded without judgment, garnishment, or any other pleaded lawful collection process. Missouri law does not authorize unilateral payroll deductions from compensation fixed by law on those admitted facts.

Accordingly, the Court concludes that the recurring deductions taken from Petitioner's legislative compensation were unauthorized and unlawful.

IV. Petitioner's compensation fell within the statewide payroll framework administered by the Office of Administration, rendering the deductions reviewable and subject to legal limits.

Respondents also argue that Petitioner does not fall within the payroll-deduction framework applicable to state-paid compensation. The pleadings do not support that contention.

The admitted facts establish that the Office of Administration processes payroll for the State of Missouri through the SAM II HR payroll system; that the Missouri House enters compensation information for members of the House into that system; that payroll entries are processed and certified for payment from the state treasury; and that the deductions at issue were entered into and processed through that same system. Missouri law places the compensation of elective and appointive officers and employees of the state within the same statewide payroll administration structure. Section 33.100 RSMo. provides that the "accounts and names" of elective and appointive officers and employees of the state shall be presented to the commissioner of administration so that warrants for payment may issue from the state treasury.

Petitioner was a duly elected member of the Missouri House of Representatives during the 100th and 101st General Assemblies, and his compensation was processed through that statewide payroll system. The Court therefore concludes that

Petitioner's compensation was administered within the Chapter 33 payroll framework and that the deductions challenged in this action were implemented through that statutory system. That makes the challenged payroll action properly subject to judicial review for legality.

V. Petitioner is entitled to declaratory relief and restoration of the amount withheld.

Because the 100th General Assembly adjourned sine die without House action on the Ethics Committee's December 2020 report, the recommendation expired and could not lawfully be revived and enforced by the 101st General Assembly. Because the later monetary sanction lacked lawful effect, the payroll deductions taken to collect that sanction likewise lacked lawful authority. And because the deductions were implemented through the statewide payroll system without judgment or lawful collection process, Petitioner is entitled to declaratory and restorative relief.

The Court need not adopt every characterization advanced by Petitioner or Respondents in order to reach this result. It is enough that, on the admitted facts, the sanction and deductions challenged here cannot be sustained as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED:

1. Petitioner's Motion for Judgment on the Pleadings is GRANTED.
2. The Court DECLARES that the monetary sanction imposed against Petitioner through House Complaint 1 on January 13, 2021, based upon the Ethics Committee report adopted on December 15, 2020, lacked lawful effect following adjournment sine die of the 100th General Assembly.

3. The Court further DECLARES that the payroll deductions taken from Petitioner's compensation pursuant to that sanction were not authorized by law.

4. Judgment is entered in favor of Petitioner Wiley E. Price and against Respondent Joseph Engler, in his official capacity as Chief Clerk of the Missouri House of Representatives, and Respondent Kenneth J. Zellers, in his official capacity as Commissioner of the Missouri Office of Administration.

5. Petitioner shall recover the amount of Twenty-Two Thousand Four Hundred Ninety-Two Dollars and Twenty-Five Cents (\$22,492.25), representing the total amount withheld from Petitioner's compensation, to be paid by Respondents, who are jointly and severally liable, to Petitioner in full within sixty (60) days of entry of this Judgment.

6. Respondents are permanently enjoined from implementing or enforcing any further payroll deductions against Petitioner's compensation based upon House Complaint 1 or the Ethics Committee report adopted December 15, 2020.

7. Costs are taxed against Respondents.

SO ORDERED this 17 day of APRIL, 2026.



Honorable Brian K. Stumpe, Circuit Judge