

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 41
94TH GENERAL ASSEMBLY

Reported from the Special Committee on General Laws February 27, 2008 with recommendation that House Committee Substitute for House Joint Resolution No. 41 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

D. ADAM CRUMBLISS, Chief Clerk

3616L.02C

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 1 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to state court jurisdiction.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next following the first Monday in November, 2008, or at a special election to be called by the governor for that purpose, there is hereby submitted to the qualified voters of this state, for adoption or rejection, the following amendment to article V of the Constitution of the state of Missouri:

Section A. Section 1, article V, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 1, to read as follows:

Section 1. **1.** The judicial power of the state shall be vested in a supreme court, a court of appeals consisting of districts as prescribed by law, and circuit courts.

2. No court shall levy or impose or order the levy or imposition of new or increased taxes, licenses, or fees of any description whatsoever.

3. No court shall order the general assembly or any elected or appointed officer of the state or any political subdivision or governmental agency or authority to appropriate or expend public funds except as expressly approved by legislation or the vote of the people. This subsection shall not be construed to prevent the courts of this state from

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.

9 **declaring the rights and obligations of parties under duly enacted legislation appropriating**
10 **public funds or authorizing the expenditure thereof; nor shall this subsection be construed**
11 **to prohibit the courts from entering and enforcing judgments concerning lawful contracts**
12 **or bonded indebtedness of the state or any political subdivision, agency, or authority**
13 **thereof.**

14 **4. Nothing herein shall be construed to limit the authority of the courts to enforce**
15 **the provisions of article X, sections 16 through 24 of this constitution, nor to enjoin the levy**
16 **or collection of illegal taxes, licenses, or fees or the expenditure of public funds not**
17 **authorized by law or contrary to law, nor to order reductions in tax rates in accordance**
18 **with law.**

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