

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 48

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MURPHY, TOWNLEY, SELBY, HENDRICKSON, TROUPE,
MERIDETH, SHOEMAKER (8) (Co-sponsors), HEGEMAN, FROELKER, ENZ, KING, MYERS,
LUETKEMEYER, GASKILL, GRATZ, SEIGFREID, PURGASON AND ST. ONGE.

Read 1st time February 11, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4661L.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing sections 39 and 52(a) of article III of the Constitution of Missouri, and adopting two new sections in lieu thereof relating to the limitation of power of the general assembly.

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
2 following the first Monday in November, 2002, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article III of the Constitution of the state of
5 Missouri:

Section A. Sections 39 and 52(a), article III, Constitution of Missouri, are repealed and
2 two new sections adopted in lieu thereof, to be known as sections 39 and 52(a), to read as
3 follows:

Section 39. The general assembly shall not have power:

2 (1) To give or lend or to authorize the giving or lending of the credit of the state in aid
3 or to any person, association, municipal or other corporation;

4 (2) To pledge the credit of the state for the payment of the liabilities, present or
5 prospective, of any individual, association, municipal or other corporation;

6 (3) To grant or to authorize any county or municipal authority to grant any extra
7 compensation, fee or allowance to a public officer, agent, servant or contractor after service has
8 been rendered or a contract has been entered into and performed in whole or in part;

9 (4) To pay or to authorize the payment of any claim against the state or any county or
10 municipal corporation of the state under any agreement or contract made without express
11 authority of law;

12 (5) To release or extinguish or to authorize the releasing or extinguishing, in whole or
13 in part, without consideration, the indebtedness, liability or obligation of any corporation or
14 individual due this state or any county or municipal corporation;

15 (6) To make any appropriation of money for the payment, or on account of or in
16 recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An
17 Act to Audit and Adjust the War Debts of the State," approved March 19, 1874, or any act of a
18 similar nature, until the claim so audited shall have been presented to and paid by the
19 government of the United States to this state;

20 (7) To act, when convened in extra session by the governor, upon subjects other than
21 those specially designated in the proclamation calling said session or recommended by special
22 message to the general assembly after the convening of an extra session;

23 (8) To remove the seat of government from the City of Jefferson;

24 (9) Except as otherwise provided in section 39(b), section 39(c), section 39(e) or section
25 39(f) of this article, to authorize lotteries or gift enterprises for any purpose, and shall enact laws
26 to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of
27 a lottery; except that, nothing in this section shall be so construed as to prevent or prohibit
28 citizens of this state from participating in games or contests of skill or chance where no
29 consideration is required to be given for the privilege or opportunity of participating or for
30 receiving the award or prize and the term "lottery or gift enterprise" shall mean only those games
31 or contests whereby money or something of value is exchanged directly for the ticket or chance
32 to participate in the game or contest. The general assembly may, by law, provide standards and
33 conditions to regulate or guarantee the awarding of prizes provided for in such games or contests
34 under the provision of this subdivision;

35 (10) To impose a use or sales tax upon the use, purchase or acquisition of property paid
36 for out of the funds of any county or other political subdivision;

37 **(11) To make any appropriation of money for the payment of, or to pledge the**
38 **credit of the state for the payment of any bonded indebtedness for, the construction,**
39 **maintenance, or operation of any major league sports stadium or related facility unless the**
40 **proposal has been submitted to and approved by a majority of the voters of this state.**

Section 52(a). A referendum may be ordered (except as to laws necessary for the
2 immediate preservation of the public peace, health or safety, and laws making appropriations,
3 **other than as may be submitted for voter approval pursuant to section 39(11) of this**
4 **article,** for the current expenses of the state government, for the maintenance of state institutions

5 and for the support of public schools) either by petitions signed by five percent of the legal voters
6 in each of two-thirds of the congressional districts in the state, or by the general assembly, as
7 other bills are enacted. Referendum petitions shall be filed with the secretary of state not more
8 than ninety days after the final adjournment of the session of the general assembly which passed
9 the bill on which the referendum is demanded.