

HCS HJR 31 -- LIMITS ON COURT JURISDICTION

SPONSOR: Pratt (Cunningham, 86)

COMMITTEE ACTION: Voted "do pass" by the Committee on Judiciary by a vote of 8 to 3.

This proposed constitutional amendment prohibits, upon voter approval, the Missouri Supreme Court or any inferior court of the state from instructing or ordering the state or any county, city, or political subdivision to levy or increase taxes. The amendment also prohibits any Missouri court from instructing or ordering the state or any county, city, or political subdivision on how to spend, allocate, or budget fiscal resources in a manner inconsistent with duly enacted and effective legislation.

FISCAL NOTE: Estimated Cost on General Revenue Fund of \$52,560 in FY 2007, \$0 in FY 2008, and \$0 in FY 2009. No impact on Other State Funds in FY 2007, FY 2008, and FY 2009.

PROPONENTS: Supporters say that the bill will disallow the courts from ordering appropriations for spending or taxing. The power to tax and spend is constitutionally reserved for the legislative body of state government, and the bill adds specific language to the constitution to reflect the traditional separation of powers.

Testifying for the bill were Representative Cunningham (86); and John Stoeffler.

OPPONENTS: There was no opposition voiced to the committee.

OTHERS: Others testifying on the bill say great caution should be used in amending the state constitution. There are no cases in Missouri history which would have been affected by the bill.

Others testifying on the bill was Supreme Court of Missouri.

Alex Curchin, Legislative Analyst