

HOUSE JOINT RESOLUTION NO. 90

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SCHOELLER (Sponsor), PARKINSON, NOLTE, ERVIN, SCHARNHORST, SCHAAF, BIVINS, JONES (89), GATSCHENBERGER, LEARA, MOLENDORP, SMITH (150), KRAUS, SMITH (14), MUNZLINGER, SATER, FISHER (125), GUERNSEY, DIECKHAUS, GRISAMORE AND DENISON (Co-sponsors).

4833L.011

D. ADAM CRUMBLISS, Chief Clerk

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment to article I of the Constitution of Missouri, and adopting one new section relating to energy freedom.

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, 2010, 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 I of the Constitution of the state of Missouri:

Section A. Article I, Constitution of Missouri, is amended by adding one new section, to be known as section 35, to read as follows:

Section 35. 1. This section shall be called and may be cited as the "Missouri Energy Freedom Act".

2. The general assembly declares that the authority for this section is the following:

(1) Amendment X of the Constitution of the United States guarantees to the states and their people all powers not granted to the federal government elsewhere in the Constitution and reserves to the state and people of Missouri certain powers as they were understood at the time that Missouri was admitted to statehood. The guarantee of those powers is a matter of contract between the state and people of Missouri and the United States as of the time that the compact with the United States was agreed upon and adopted by Missouri and the United States;

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.

11 **(2) The regulation of intrastate commerce is vested in the states under Amendment**
12 **X of the Constitution of the United States, particularly if not expressly preempted by**
13 **federal law. Congress has not expressly preempted state regulation of intrastate commerce**
14 **pertaining to energy produced in the state of Missouri.**

15 **3. For all purposes, including net energy consumption, energy first produced by an**
16 **electric company with one or more facilities located in this state shall be considered**
17 **consumed by Missouri residents and not subject to federal laws or regulations until**
18 **approved by the Missouri general assembly and the governor by law.**

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