

HB 2293 -- ENFORCE THE LAWS ACT OF 2014

SPONSOR: Pogue

This bill establishes the ENFORCE the Laws Act of 2014. The bill specifies that upon the adoption of a resolution of a house or both houses of the General Assembly declaring that the Governor, the head of any department or agency of the State of Missouri, or any other officer or employee of the State of Missouri has established or implemented a formal or informal policy, practice, or procedure to refrain from enforcing, applying, following, or administering any provision of a state statute, rule, regulation, program, policy, or other law in violation of the requirement that the Governor "take care that the laws are distributed and faithfully executed" under Article IV, Section 2 of the Missouri Constitution, that each house singly, or both houses jointly if both houses have adopted the resolution, is authorized to bring a civil action to seek relief. The bill specifies what form the resolution must have:

If either house or both houses of the General Assembly brings a civil action under this section, the following rules must apply:

(1) The action must be filed in Cole County and be heard by a three-judge panel;

(2) A final decision in the action must be reviewable only by appeal directly to the Missouri Supreme Court. The appeal must be taken by the filing of a notice of appeal within 10 days, and the filing of a jurisdictional statement within 30 days, of the entry of the final decision; and

(3) It is the duty of the Cole County Court and the Missouri Supreme Court to advance on the docket and to expedite to the greatest extent possible the disposition of any the action and appeal.

The bill requires the Attorney General to submit to the judiciary committees of the House and Senate a report on the costs of any civil action brought under these provisions, including any attorney fees of any attorney that has been hired to provide legal services in connection with the civil action, no later than the last day of the first fiscal year quarter that begins after the effective date of these provisions and quarterly thereafter.