

# HOUSE JOINT RESOLUTION NO. 87

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE CURTIS.

6203H.011

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 40 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to school districts.

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*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, 2016, 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Section A. Section 40, article III, Constitution of Missouri, is repealed and one new  
2 section adopted in lieu thereof, to be known as section 40, to read as follows:

Section 40. The general assembly shall not pass any local or special law:

- 2 (1) authorizing the creation, extension or impairment of liens;
- 3 (2) granting divorces;
- 4 (3) changing the venue in civil or criminal cases;
- 5 (4) regulating the practice or jurisdiction of, or changing the rules of evidence in any  
6 judicial proceeding or inquiry before courts, sheriffs, commissioners, arbitrators or other  
7 tribunals, or providing or changing methods for the collection of debts, or the enforcing of  
8 judgments, or prescribing the effect of judicial sales of real estate;
- 9 (5) summoning or empaneling grand or petit juries;
- 10 (6) for limitation of civil actions;

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 (7) remitting fines, penalties and forfeitures or refunding money legally paid into the  
12 treasury;
- 13 (8) extending the time for the assessment or collection of taxes, or otherwise relieving  
14 any assessor or collector of taxes from the due performance of their duties, or their securities  
15 from liability;
- 16 (9) changing the law of descent or succession;
- 17 (10) giving effect to informal or invalid wills or deeds;
- 18 (11) affecting the estates of minors or persons under disability;
- 19 (12) authorizing the adoption or legitimation of children;
- 20 (13) declaring any named person of age;
- 21 (14) changing the names of persons or places;
- 22 (15) vacating town plats, roads, streets or alleys;
- 23 (16) relating to cemeteries, graveyards or public grounds not of the state;
- 24 (17) authorizing the laying out, opening, altering or maintaining roads, highways, streets  
25 or alleys;
- 26 (18) for opening and conducting elections, or fixing or changing the place of voting;
- 27 (19) locating or changing county seats;
- 28 (20) creating new townships or changing the boundaries of townships [or school  
29 districts];
- 30 (21) creating offices, prescribing the powers and duties of officers in, or regulating the  
31 affairs of counties, cities, townships, **or** election [or school] districts;
- 32 (22) incorporating cities, towns, or villages or changing their charters;
- 33 (23) regulating the fees or extending the powers of aldermen, magistrates or constables;
- 34 (24) regulating the management of public schools, the building or repairing of  
35 schoolhouses, and the raising of money for such purposes;
- 36 (25) legalizing the unauthorized or invalid acts of any officer or agent of the state or of  
37 any county or municipality;
- 38 (26) fixing the rate of interest;
- 39 (27) regulating labor, trade, mining or manufacturing;
- 40 (28) granting to any corporation, association or individual any special or exclusive right,  
41 privilege or immunity, or to any corporation, association or individual the right to lay down a  
42 railroad track;
- 43 (29) relating to ferries or bridges, except for the erection of bridges crossing streams  
44 which form the boundary between this and any other state;

45 (30) where a general law can be made applicable, and whether a general law could have  
46 been made applicable is a judicial question to be judicially determined without regard to any  
47 legislative assertion on that subject.

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