

SECOND REGULAR SESSION

# HOUSE JOINT RESOLUTION NO. 41

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES CUNNINGHAM (86) (Sponsor), JONES (89), NIEVES, SCHARNHORST, NOLTE, SCHAD, DAY, DAVIS, MUNZLINGER, RUESTMAN, STEVENSON, COX, SCHOELLER, FLOOK, DUSENBERG AND MCGHEE (Co-sponsors).

Pre-filed December 3, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

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### JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 1 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to state court jurisdiction.

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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 following the first Monday in November, 2008, 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 V of the Constitution of the state of Missouri:

Section A. Section 1, article V, Constitution of Missouri, is repealed and one new section adopted in lieu thereof, to be known as section 1, to read as follows:

Section 1. **1.** The judicial power of the state shall be vested in a supreme court, a court of appeals consisting of districts as prescribed by law, and circuit courts.

**2. No court shall levy or impose or order the levy or imposition of new or increased taxes, licenses, or fees of any description whatsoever, except as expressly authorized by act of the general assembly or vote of the people.**

**3. No court shall order the general assembly or any elected or appointed officer of the state or any political subdivision or governmental agency or authority to appropriate**

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.

8 or expend public funds except as expressly approved by legislation or the vote of the  
9 people. This subsection shall not be construed to prevent the courts of this state from  
10 declaring the rights and obligations of parties under duly enacted legislation appropriating  
11 public funds or authorizing the expenditure thereof; nor shall this subsection be construed  
12 to prohibit the courts from entering and enforcing judgments concerning lawful contracts  
13 or bonded indebtedness of the state or any political subdivision, agency, or authority  
14 thereof.

15       4. Nothing herein shall be construed to limit the authority of the courts to enforce  
16 the provisions of article X, sections 16 through 24 of this constitution, nor to enjoin the levy  
17 or collection of illegal taxes, licenses, or fees or the expenditure of public funds not  
18 authorized by law or contrary to law, nor to order reductions in tax rates in accordance  
19 with law.

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