

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE JOINT RESOLUTION NO. 41

## 94TH GENERAL ASSEMBLY

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Reported from the Special Committee on General Laws February 27, 2008 with recommendation that House Committee Substitute for House Joint Resolution No. 41 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 3, 2008 with recommendation that House Committee Substitute for House Joint Resolution No. 41 Do Pass, with no time limit for debate on Perfection.

Taken up for Perfection March 11, 2008. House Committee Substitute for House Joint Resolution No. 41 ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

3616L.02P

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

Section A. Section 1, article V, Constitution of Missouri, is repealed and one new section  
2 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  
2 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  
3 taxes, licenses, or fees of any description whatsoever.**

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.

5           **3. No court shall order the general assembly or any elected or appointed officer of**  
6 **the state or any political subdivision or governmental agency or authority to appropriate**  
7 **or expend public funds except as expressly approved by legislation or the vote of the**  
8 **people. This subsection shall not be construed to prevent the courts of this state from**  
9 **declaring the rights and obligations of parties under duly enacted legislation appropriating**  
10 **public funds or authorizing the expenditure thereof; nor shall this subsection be construed**  
11 **to prohibit the courts from entering and enforcing judgments concerning lawful contracts**  
12 **or bonded indebtedness of the state or any political subdivision, agency, or authority**  
13 **thereof.**

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

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