

HJR 26 -- State Sovereignty

Sponsor: Curtman

Upon voter approval, this proposed constitutional amendment prohibits the Missouri legislative, executive, and judicial branches of government from recognizing, enforcing, or acting in furtherance of any federal action that exceeds the limited powers enumerated and delegated to the federal government including restricting the right of private citizens to bear arms; legalizing or funding abortions or the destruction of any embryo from the zygote stage onward through all stages of development; requiring the sale or trade of carbon credits or imposing a tax, fee, fine, or penalty on the release of carbon emissions; addressing certain specified health care issues; mandating the recognition of same sex marriage, civil unions, or any relationship other than the marriage of one man and one woman; increasing the punishment for a crime based on the perpetrator's thoughts or designating a crime as a hate crime; interpreting the Establishment Clause of the United States Constitution as creating a wall of separation between church and state; or restricting the right of parents or guardians to home school or enroll their children in a private or parochial school or restricting school curriculum.

The resolution requires the state to interpret the United States Constitution and its amendments based on its language and the intent of the signers of the Constitution at the time of its passage and the language and the intent of the sponsor of the amendment.

Missouri citizens must have standing to bring a cause of action to enforce these provisions. Enforcement must apply to federal actions taking effect after voter approval of these provisions, federal actions specified in these provisions, and any federal action regardless of when it occurred that the Missouri General Assembly or the Missouri Supreme Court determines to exceed the powers enumerated and delegated to the federal government by the United States Constitution.