

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE JOINT RESOLUTION NO. 41
94TH GENERAL ASSEMBLY

Reported from the Committee on Pensions, Veterans' Affairs and General Laws, May 12, 2008, with recommendation that the Senate Committee Substitute do pass.

3616S.04C

TERRY L. SPIELER, Secretary.

JOINT RESOLUTION

Submitting to the qualified voters of Missouri, an amendment repealing section 39 of article III of the Constitution of Missouri, and adopting one new section in lieu thereof relating to legislative response to asserted state court jurisdiction.

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
2 Tuesday next following the first Monday in November, 2008, or at a special
3 election to be called by the governor for that purpose, there is hereby submitted
4 to the qualified voters of this state, for adoption or rejection, the following
5 amendment to article III of the Constitution of the state of Missouri:

Section A. Section 39, article III, Constitution of Missouri, is repealed and
2 one new section adopted in lieu thereof, to be known as section 39, to read as
3 follows:

Section 39. 1. The general assembly shall not have power:

2 (1) To give or lend or to authorize the giving or lending of the credit of the
3 state in aid or to any person, association, municipal or other corporation;

4 (2) To pledge the credit of the state for the payment of the liabilities,
5 present or prospective, of any individual, association, municipal or other
6 corporation;

7 (3) To grant or to authorize any county or municipal authority to grant
8 any extra compensation, fee or allowance to a public officer, agent, servant or
9 contractor after service has been rendered or a contract has been entered into and
10 performed in whole or in part;

11 (4) To pay or to authorize the payment of any claim against the state or
12 any county or municipal corporation of the state under any agreement or contract
13 made without express authority of law;

14 (5) To release or extinguish or to authorize the releasing or extinguishing,
15 in whole or in part, without consideration, the indebtedness, liability or obligation
16 of any corporation or individual due this state or any county or municipal
17 corporation;

18 (6) To make any appropriation of money for the payment, or on account
19 of or in recognition of any claims audited or that may hereafter be audited by
20 virtue of an act entitled "An Act to Audit and Adjust the War Debts of the State,"
21 approved March 19, 1874, or any act of a similar nature, until the claim so
22 audited shall have been presented to and paid by the government of the United
23 States to this state;

24 (7) To act, when convened in extra session by the governor, upon subjects
25 other than those specially designated in the proclamation calling said session or
26 recommended by special message to the general assembly after the convening of
27 an extra session;

28 (8) To remove the seat of government from the City of Jefferson;

29 (9) Except as otherwise provided in section 39(b), section 39(c), section
30 39(e) or section 39(f) of this article, to authorize lotteries or gift enterprises for
31 any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise
32 tickets, or tickets in any scheme in the nature of a lottery; except that, nothing
33 in this section shall be so construed as to prevent or prohibit citizens of this state
34 from participating in games or contests of skill or chance where no consideration
35 is required to be given for the privilege or opportunity of participating or for
36 receiving the award or prize and the term "lottery or gift enterprise" shall mean
37 only those games or contests whereby money or something of value is exchanged
38 directly for the ticket or chance to participate in the game or contest. The general
39 assembly may, by law, provide standards and conditions to regulate or guarantee
40 the awarding of prizes provided for in such games or contests under the provision
41 of this subdivision;

42 (10) To impose a use or sales tax upon the use, purchase or acquisition of
43 property paid for out of the funds of any county or other political subdivision.

44 **2. The general assembly shall not be required to enact legislation**
45 **to comply with a court order that it raise taxes.**

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