

HCS HJR 1 -- STATE COURT JURISDICTION

SPONSOR: Tilley (Cunningham, 86)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 5 to 3.

Upon voter approval, this proposed constitutional amendment prohibits the Missouri Supreme Court or any inferior court of the state from instructing or ordering the state or any county, city, or political subdivision to levy or increase taxes. The amendment also prohibits any Missouri court from instructing or ordering the state or any county, city, or political subdivision on how to spend, allocate, or budget fiscal resources in a manner inconsistent with duly enacted and effective legislation; however, the judiciary system retains the inherent authority to compel reasonable funding of judicial operations.

FISCAL NOTE: Estimated Cost on General Revenue Fund of Less than \$100,000 in FY 2008, FY 2009, and FY 2010. No impact on Other State Funds in FY 2008, FY 2009, and FY 2010.

PROPONENTS: Supporters say that the bill will prohibit the courts from ordering appropriations for spending or taxing. The power to tax and appropriate is constitutionally reserved for the legislative body of government, and the bill adds specific language to the constitution to reflect the traditional separation of powers.

Testifying for the bill were Representative Cunningham (86); Walt Mueller; and John Stoeffler.

OPPONENTS: Those who oppose the bill say that it will prevent the court from exercising its dispute resolution function. State courts will not have jurisdiction to hear specific tax cases and Hancock Amendment cases. Barring state court jurisdiction will result in the cases being filed in federal court, where the power to order state appropriations does exist.

Testifying against the bill were Judicial Conference of Missouri; and Missouri Bar.