

HJR 88 -- STATE SOVEREIGNTY (Nieves)

COMMITTEE OF ORIGIN: Committee on Real ID and Personal Privacy

Upon voter approval, this proposed constitutional amendment asserts its constitutional sovereignty and the sovereignty of its citizens under the Tenth Amendment to the United States Constitution over all powers not enumerated and delegated to the federal government. In its main provisions, the resolution:

(1) Prohibits the executive, judicial, and legislative branches of Missouri's government from recognizing, enforcing, or acting on any federal law, executive order, judicial or administrative ruling, collection or dispersal of revenue, or other actions by the three branches of government that exceed the limited powers enumerated in the United States Constitution and delegated to the federal government;

(2) Prohibits the executive, judicial, and legislative branches of Missouri's government from recognizing, enforcing, or acting on federal restrictions on the right of private citizens to bear arms; federal laws legalizing or funding abortions or the destruction of human embryos; certain specified federal actions involving health care including a federal public option; federal actions requiring the sale or trade of carbon credits or the taxing on the release of carbon emissions; federal actions mandating the recognition of same sex marriages; federal actions increasing the penalty for a crime based on a perpetrator's thoughts or designating hate crimes; federal actions regarding the Establishment Clause based on a "wall of separation" between church and state; and federal actions restricting the right of parents or guardians to home school or enroll their children in a private or parochial school or placing restrictions on the school's curriculum;

(3) Requires Missouri courts to interpret the United States Constitution based on its language and the intent of the signers at the time of its passage. Interpretation of its amendments must be based on the intent of the congressional sponsors and co-sponsors. Non-originalist methods of interpretation that consider the constitution a "living, breathing document" and any interpretation that expands federal authority beyond the limited powers enumerated and delegated to the federal government are to be deemed to exceed the limited powers of the federal government. Missouri courts will be required to use this method of interpretation, and any court ruling inconsistent with this method will not be recognized or enforced in Missouri; and

(4) Allows Missouri citizens to have standing to bring suit to enforce the provisions of the resolution.

FISCAL NOTE: Estimated Effect on General Revenue Fund of an income of \$0 to a cost of More than \$7,000,000 in FY 2011, an income of \$0 or a cost of Less than \$100,000 in FY 2012, and an income of \$0 or a cost of Less than \$100,000 in FY 2013. No impact on Other State Funds in FY 2011, FY 2012, and FY 2013.