

SECOND REGULAR SESSION

HOUSE BILL NO. 2293

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES POGUE (Sponsor), MOON AND JUSTUS (Co-sponsors).

6432L.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 21, RSMo, by adding thereto one new section relating to the ENFORCE the laws act of 2014.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 21, RSMo, is amended by adding thereto one new section, to be known as section 21.005, to read as follows:

21.005. 1. This section shall be known and may be cited as the "ENFORCE the Laws Act of 2014".

2. Upon the adoption of a resolution of a house or both houses of the general assembly declaring that the governor, the head of any department or agency of the state of Missouri, or any other officer or employee of the state of Missouri has established or implemented a formal or informal policy, practice, or procedure to refrain from enforcing, applying, following, or administering any provision of a state statute, rule, regulation, program, policy, or other law in violation of the requirement that the governor "take care that the laws are distributed and faithfully executed" under Article IV, Section 2 of the Missouri Constitution, that each house singly, or both houses jointly if both houses have adopted such a resolution, is authorized to bring a civil action to seek relief.

3. The resolution shall have substantially the following form:

(1) The title shall state: "Relating to the application of Article IV, Section 2 of the Missouri Constitution";

(2) In a resolving clause, the following language: "That _____ (the governor or person on behalf of the governor) has failed to meet the requirement of Article IV, Section 2 of the Missouri Constitution to take care that the laws are distributed and

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.

18 faithfully executed, with respect to _____ (the administrative action in
19 question).".

20 **4. If either house or both houses of the general assembly brings a civil action under**
21 **this section, the following rules shall apply:**

22 **(1) The action shall be filed in Cole County and shall be heard by a three-judge**
23 **panel;**

24 **(2) A final decision in the action shall be reviewable only by appeal directly to the**
25 **Missouri supreme court. Such appeal shall be taken by the filing of a notice of appeal**
26 **within ten days, and the filing of a jurisdictional statement within thirty days, of the entry**
27 **of the final decision; and**

28 **(3) It shall be the duty of the Cole County court and the Missouri supreme court**
29 **to advance on the docket and to expedite to the greatest extent possible the disposition of**
30 **any such action and appeal.**

31 **5. Not later than the last day of the first fiscal year quarter that begins after the**
32 **effective date of this section, and quarterly thereafter, the attorney general shall submit to**
33 **the judiciary committees of the house and senate a report on the costs of any civil action**
34 **brought under this section, including any attorney fees of any attorney that has been hired**
35 **to provide legal services in connection with a civil action brought under this section.**

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