

SECOND REGULAR SESSION

HOUSE BILL NO. 2103

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POGUE.

5618H.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 2016.

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 2016".

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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