

SENATE BILL NO. 198

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MOON.

1422S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 1, RSMo, by adding thereto one new section relating to nullification of federal actions.

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

Section A. Chapter 1, RSMo, is amended by adding thereto
2 one new section, to be known as section 1.045, to read as
3 follows:

1.045. 1. This section is known and may be cited as
2 the "Restoring State Sovereignty Through Nullification Act".

3 2. As used in this section the following terms mean:

4 (1) "Federal action", includes federal law; a federal
5 agency rule, policy, or standard; an executive order of the
6 President of the United States; an order or decision of a
7 federal court; and the making or enforcing of a treaty;

8 (2) "Unconstitutional federal action", a federal
9 action enacted, adopted, or implemented without authority
10 specifically delegated to the federal government by the
11 people and the states through the United States Constitution.

12 3. This section contemplates the review of any federal
13 action to determine whether the action is an
14 unconstitutional federal action. When evaluating a federal
15 action, the general assembly shall consider the plain
16 reading and reasoning of the text of the United States
17 Constitution and the understood definitions at the time of
18 the framing and construction of the Constitution by the

19 framers before making a final declaration of
20 constitutionality, as demonstrated by:

- 21 (1) The ratifying debates in the several states;
- 22 (2) The understanding of the leading participants at
23 the constitutional convention;
- 24 (3) The understanding of the doctrine in question by
25 the constitutions of the several states in existence at the
26 time the United States Constitution was adopted;
- 27 (4) The understanding of the United States
28 Constitution by the first United States Congress;
- 29 (5) The opinions of the first chief justice of the
30 United States Supreme Court;
- 31 (6) The background understanding of the doctrine in
32 question under the English Constitution of the time; and
- 33 (7) The statements of support for natural law and
34 natural rights by the framers and the philosophers admired
35 by the framers.

36 4. It is declared that federal laws, federal executive
37 actions, and federal court opinions shall comply with the
38 jurisdictional limitations of the United States
39 Constitution. It is further declared that any federal
40 action outside the enumerated powers set forth in the United
41 States Constitution are in violation of the peace and safety
42 of the people of this state, and therefore, said acts are
43 declared void and must be resisted.

44 5. The proper manner of resistance is a state action
45 of nullification of the federal action.

46 6. (1) Nullification is the process whereby this
47 state makes an official declaration that:

48 (a) A specific federal action has exceeded the
49 prescribed authority under the United States Constitution;

50 (b) That said action, as being ultra vires, will not
51 be recognized as valid within the bounds of this state;

52 (c) That said action, as being ultra vires, is null
53 and void in this state;

54 (d) That an officeholder, agency, or public employee,
55 whether state or a political subdivision serving under the
56 authority of the Constitution of Missouri shall not assist
57 in any attempted enforcement of said federal action; and

58 (e) That state or local funds shall not be used to
59 assist in any attempted enforcement of said federal action.

60 (2) The general assembly has sole authority to
61 prescribe the crimes, penalties, fines, or other
62 consequences of the violation of a bill of nullification by
63 any person found within the boundary of this state. Such
64 consequences must be specified in the bill of nullification
65 before a final vote is taken on its passage.

66 7. State nullification of federal action may be
67 accomplished in any of the following ways:

68 (1) Any member of the general assembly may introduce a
69 bill of nullification in the general assembly. Such bill
70 shall be acted upon in the same manner as any other
71 legislative bill;

72 (2) Any court of competent jurisdiction may render a
73 finding or a holding of nullification in any case of which
74 it otherwise has proper venue and jurisdiction, wherein the
75 parties to said case will, upon final judgment, be bound
76 thereby in the same manner as in other cases.

77 8. Regarding the same federal action, a bill of
78 nullification shall not be considered by the general
79 assembly more than once each year. If said bill fails, then
80 it may be considered again in any succeeding year, but not
81 more than once per year. If said bill passes, then the

82 provisions of subsection 6 of this section shall become
83 effective with regard to such federal action.

✓