



State of Missouri

Publications Constitution Committee

EXHIBIT 5A
LCRA 8/28/20

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Effective 03 Dec 1998, see footnote

III Section 39. Limitation of power of general assembly. — The general assembly shall not have power:

- (1) To give or lend or to authorize the giving or lending of the credit of the state in aid or to any person, association, municipal or other corporation;
- (2) To pledge the credit of the state for the payment of the liabilities, present or prospective, of any individual, association, municipal or other corporation;
- (3) To grant or to authorize any county or municipal authority to grant any extra compensation, fee or allowance to a public officer, agent, servant or contractor after service has been rendered or a contract has been entered into and performed in whole or in part;
- (4) To pay or to authorize the payment of any claim against the state or any county or municipal corporation of the state under any agreement or contract made without express authority of law;
- (5) To release or extinguish or to authorize the releasing or extinguishing, in whole or in part, without consideration, the indebtedness, liability or obligation of any corporation or individual due this state or any county or municipal corporation;
- (6) To make any appropriation of money for the payment, or on account of or in recognition of any claims audited or that may hereafter be audited by virtue of an act entitled "An Act to Audit and Adjust the War Debts of the State," approved March 19, 1874, or any act of a similar nature, until the claim so audited shall have been presented to and paid by the government of the United States to this state;
- (7) To act, when convened in extra session by the governor, upon subjects other than those specially designated in the proclamation calling said session

or recommended by special message to the general assembly after the convening of an extra session;

(8) To remove the seat of government from the City of Jefferson;

(9) Except as otherwise provided in section 39(b), section 39(c), section 39(e) or section 39(f) of this article, to authorize lotteries or gift enterprises for any purpose, and shall enact laws to prohibit the sale of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; except that, nothing in this section shall be so construed as to prevent or prohibit citizens of this state from participating in games or contests of skill or chance where no consideration is required to be given for the privilege or opportunity of participating or for receiving the award or prize and the term "lottery or gift enterprise" shall mean only those games or contests whereby money or something of value is exchanged directly for the ticket or chance to participate in the game or contest. The general assembly may, by law, provide standards and conditions to regulate or guarantee the awarding of prizes provided for in such games or contests under the provision of this subdivision;

(10) To impose a use or sales tax upon the use, purchase or acquisition of property paid for out of the funds of any county or other political subdivision.

Source: Const. of 1875, Art. IV, §§ 45, 48, 51, 52, 55, 56, Art. XIV § 10 (Amended November 7, 1978) (Amended November 6, 1984) (Amended August 5, 1986) (Amended November 8, 1994) (Amended November 3, 1998).

(1960) Tax imposed with respect to special motor vehicle fuel is a tax on the act of placing fuel in the fuel tank of a vehicle and not a use tax upon the use or acquisition of property paid for out of funds of political subdivision as prohibited by Article III Sec. 39(10) of the constitution. *State ex rel. Arenson v. City of Springfield (Mo.)*, 332 S.W.2d 942.

(1970) Oil company's promotional game, even though participant need make no purchase to play, is a lottery. *Mobil Oil Corp. v. Danforth (Mo.)*, 455 S.W.2d 505.

(1975) Held that state has the authority to require that names of residents of this state be taken off of mailing list of company allegedly mailing lottery material, this does not interfere with United States mail. *State ex rel. Danforth v. Reader's Digest (Mo.)*, 527 S.W.2d 355.

(1994) Bingo, keno, numbers tickets, pull tabs, jar tickets, push cards and punch boards either fall within definition of lottery or have no element of skill as demonstrated by their similarity to lottery games and are lotteries within meaning of this section. Twenty-one and poker are not lotteries within meaning of this section. Case is remanded for determination whether slot machines, video slot machines, baccarat, craps, roulette wheel, klondike table, faro layout and video games of chance are games of pure chance or if there is an element of skill in game. *Harris v. Missouri Gaming Commission*, 869 S.W.2d 58 (Mo. en banc).

< end of effective 03 Dec 1998 >

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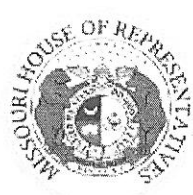
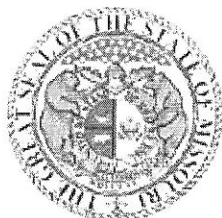
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