

Senate Resolution 721

By: Senators Rogers of the 21st, Smith of the 52nd, Hamrick of the 30th, Harp of the 29th,
Wiles of the 37th and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to prohibit courts from ordering the
2 General Assembly to pass laws, including laws to create or increase taxes or appropriations;
3 to reaffirm that the power of appropriation of state revenues is reserved exclusively to the
4 General Assembly; to limit the power of courts on matters involving appropriation of public
5 money; to provide for the submission of this amendment for ratification or rejection; and for
6 other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article VI of the Constitution is amended by inserting a new section to read as follows:

10 "SECTION XI. 11 LIMITATIONS

12 Paragraph I. *Limitation on jurisdiction; appropriations.* No court of this state shall have
13 the power to order the General Assembly or a member thereof to pass any law, including,
14 but not limited to, the creation or increase of any tax, fee, or appropriation.

15 Paragraph II. *Appropriations by the General Assembly.* The power of appropriation of
16 state revenues is reserved exclusively to the General Assembly and such powers shall
17 remain inviolate. Appropriations determined by the General Assembly for any Act or
18 program shall be within the sole discretion of the General Assembly and no court of this
19 state shall have the power to declare an Act or program unconstitutional based upon the
20 exercise of this discretion."

21 SECTION 2.

22 The above proposed amendment to the Constitution shall be published and submitted as
23 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
24 above proposed amendment shall have written or printed thereon the following:

- 1 " YES Shall the Constitution of Georgia be amended so as to prohibit courts from
2 ordering the General Assembly to pass laws, including laws to create or
3 NO increase taxes or appropriations; to reaffirm that the power of appropriation
4 of state revenues is reserved exclusively to the General Assembly; and to
5 limit the power of courts on matters involving appropriation of public
6 money?"
- 7 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
8 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
9 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
10 become a part of the Constitution of this state.