

SECOND REGULAR SESSION

# SENATE JOINT RESOLUTION NO. 41

94TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR RUPP.

Pre-filed January 8, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

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## JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 1 of article V of the Constitution of Missouri, and adopting one new section in lieu thereof relating to state court jurisdiction.

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*Be it resolved by the Senate, the House of Representatives concurring therein:*

That at the next general election to be held in the state of Missouri, on  
2 Tuesday next following the first Monday in November, 2008, or at a special  
3 election to be called by the governor for that purpose, there is hereby submitted  
4 to the qualified voters of this state, for adoption or rejection, the following  
5 amendment to article V of the Constitution of the state of Missouri:

Section A. Section 1, article V, Constitution of Missouri, is repealed and  
2 one new section adopted in lieu thereof, to be known as section 1, to read as  
3 follows:

Section 1. **1.** The judicial power of the state shall be vested in a supreme  
2 court, a court of appeals consisting of districts as prescribed by law, and circuit  
3 courts.

**2. No court shall levy or impose or order the levy or imposition  
5 of new or increased taxes, licenses, or fees of any description  
6 whatsoever, except as expressly authorized by act of the general  
7 assembly or vote of the people.**

**3. No court shall order the general assembly or any elected or  
9 appointed officer of the state or any political subdivision or  
10 governmental agency or authority to appropriate or expend public  
11 funds except as expressly approved by legislation or the vote of the  
12 people. This subsection shall not be construed to prevent the courts of  
13 this state from declaring the rights and obligations of parties under  
14 duly enacted legislation appropriating public funds or authorizing the**

15 expenditure thereof; nor shall this subsection be construed to prohibit  
16 the courts from entering and enforcing judgments concerning lawful  
17 contracts or bonded indebtedness of the state or any political  
18 subdivision, agency, or authority thereof.

19 4. Nothing herein shall be construed to limit the authority of the  
20 courts to enforce the provisions of article X, sections 16 to 24 of this  
21 constitution, nor to enjoin the levy or collection of illegal taxes,  
22 licenses, or fees or the expenditure of public funds not authorized by  
23 law or contrary to law, nor to order reductions in tax rates in  
24 accordance with law.

Unofficial

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Bill

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