

JAN 12 2000

JUDICIARY

HOUSE JOINT RESOLUTION
BY LARSON

2002

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

HOUSE JOINT RESOLUTION

1 A Joint Resolution requesting the proposal of an amendment to the
2 Constitution of the United States on the subject of judicial
3 taxation.

4 WHEREAS, separation of powers is fundamental to the United
5 States Constitution and the power of the federal government is
6 expressly limited; and

7 WHEREAS, under the United States Constitution, the states are
8 to determine public policy; and

9 WHEREAS, it is the duty of the judiciary to interpret the law,
10 not to create law; and

11 WHEREAS, our present federal government has strayed from the
12 intent of our founding fathers and the United States Constitution
13 through inappropriate federal mandates; and

14 WHEREAS, these mandates by way of statute, rule, or judicial
15 decision have forced state governments to serve as the mere
16 administrative arm of the federal government; and

17 WHEREAS, federal district courts with the acquiescence of the
18 United States Supreme Court, continue to order states to levy or
19 increase taxes to comply with federal mandates; and

20 WHEREAS, these court actions violate the United States
21 Constitution and the legislative process; and

22 WHEREAS, the time has come for the people of this great nation
23 and their duly elected representatives in state government, to
24 reaffirm, that the authority to tax under the Constitution of the

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1 United States is retained by the people who, by their consent
2 alone, do delegate such power to tax explicitly to those duly
3 elected representatives in the legislative branch of government
4 whom they choose, such representatives being directly responsible
5 and accountable to those who have elected them; and

6 WHEREAS, several states, including Missouri, Colorado, New
7 York, Tennessee, Arizona, Louisiana, Massachusetts, Nevada,
8 Alaska, Michigan, South Dakota, Delaware, Alabama, Oklahoma, and
9 Utah, have petitioned the United States Congress to propose an
10 amendment to the Constitution of the United States of America on
11 this subject; and

12 WHEREAS, the amendment was previously introduced in Congress;
13 and

14 WHEREAS, the amendment seeks to prevent federal courts from
15 levying or increasing taxes without representation of the people
16 and against the people's wishes; NOW THEREFORE,

17 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 That the Congress of the United States is hereby petitioned
2 to propose and submit to the several states for ratification
3 an amendment to the Constitution of the United States to add a
4 new article providing as follows: "Neither the Supreme Court
5 nor any inferior court of the United States shall have the
6 power to instruct or order a state or a political subdivision
7 thereof, or an official of such a state or political
8 subdivision, to levy or increase taxes"; and

9 BE IT FURTHER RESOLVED, That this application constitutes a
10 continuing application in accordance with Article V of the
11 Constitution of the United States; and

12 BE IT FURTHER RESOLVED, That the General Assembly of the
13 State of Iowa also proposes that the legislatures of each of
14 the several states comprising the United States that have not
15 yet made a similar request petition the United States Congress
16 to propose such an amendment to the Constitution of the United
17 States; and

18 BE IT FURTHER RESOLVED, That, upon passage, the Secretary
19 of the Senate transmit copies of this Resolution to the
20 President and Vice President of the United States, the Speaker
21 of the United States House of Representatives, the presiding
22 officer in each house of the legislature in each of the states
23 in the union, and to each member of the Iowa congressional
24 delegation.

25 EXPLANATION

26 This joint resolution constitutes a petition requesting the
27 United States Congress to propose an amendment to the United
28 States Constitution and submit it to the states specifying
29 that no court has the power to order a state or political
30 subdivision to levy or increase taxes.

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