

JAN 28 2002
STATE GOVERNMENT

HOUSE JOINT RESOLUTION 2003
BY TYRRELL

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

HOUSE JOINT RESOLUTION

1 A Resolution requesting the proposal of an amendment to the
2 Constitution of the United States restricting the ability of
3 the federal judiciary to mandate any state or subdivision of
4 any state to levy or increase taxes.

5 WHEREAS, in Missouri v. Jenkins, 495 U.S. 33 (1990), the
6 Supreme Court held that a federal court had the power to order an
7 increase in state and local taxes thereby violating a fundamental
8 tenet of the separation of powers: that members of the federal
9 judiciary, who serve for life and are answerable to no one,
10 should not have control over the power of the purse; and

11 WHEREAS, section 8 of Article I of the Constitution of the
12 United States vests with the legislative branch of government
13 alone the extraordinary power to "lay and collect taxes, duties,
14 imposts, and excises, to pay the debts and provide for the common
15 defence and general welfare of the United States"; and

16 WHEREAS, the courts' actions are an intrusion into a
17 legitimate legislative debate over state spending priorities and
18 not a response to a constitutional directive; and

19 WHEREAS, the Constitution of the United States does not allow
20 for, and the states do not need, judicial intervention requiring
21 tax levies or increases as solutions to potentially serious
22 problems; and

23 WHEREAS, the time has come for the people of this great
24 nation, and their duly elected representatives in state

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

7 WHEREAS, legislatures in the following states of Alabama,
8 Alaska, Arizona, Colorado, Delaware, Guam, Illinois, Kansas,
9 Louisiana, Mariana Islands, Massachusetts, Michigan, Missouri,
10 Nevada, New Hampshire, New York, North Dakota, Oklahoma,
11 Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, and
12 West Virginia have petitioned the United States Congress to
13 propose an amendment to the Constitution of the United States
14 that reads as follows: "Neither the Supreme Court nor any
15 inferior court of the United States shall have the power to
16 instruct or order a state or political subdivision thereof, or an
17 official of such state or political subdivision, to levy or
18 increase taxes"; NOW THEREFORE,

19 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 Chief Clerk
19 of the House of Representatives transmit copies of this
20 Resolution to the President and Vice President of the United
21 States, the Speaker of the United States House of
22 Representatives, the presiding officer in each house of the
23 legislature in each of the states in the union, and each
24 member of the Iowa congressional 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 of a state to levy or increase taxes.

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