

2/13/02 Do Pass
H- 3/13/02 Judiciary

STATE GOVERNMENT

FILED FEB 4 2002

SENATE JOINT RESOLUTION 2003
BY SCHUERER, ANGELO, LAMBERTI, McKIBBEN,
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Passed Senate, Date (p.591) 3/12/02 Passed House, Date _____
Vote: Ayes 27 Nays 19 Vote: Ayes _____ Nays _____
Approved _____

SENATE 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

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SJA 2003

1 tax levies or increases as solutions to potentially serious
2 problems; and

3 WHEREAS, the time has come for the people of this great
4 nation, and their duly elected representatives in state
5 government, to reaffirm that the authority to tax under the
6 Constitution of the United States is retained by the people who,
7 by their consent alone, do delegate such power to tax explicitly
8 to their duly elected representatives in the legislative branch
9 of government, such representatives being directly responsible
10 and accountable to those who have elected them; and

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

23 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 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 of a state to levy or increase taxes.

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SENATE JOINT RESOLUTION 2003

S-5102

- 1 Amend Senate Joint Resolution 2003 as
2 follows:
3 1. Page 1, line 8, by inserting after the word
4 "increase" the following: "or decrease".
5 2. Title, page 1, line 4, by inserting after the
6 word "increase" the following: "or decrease".
7 3. Title, page 1, by striking line 9, and
8 inserting the following: "judiciary".
9 4. Title, page 2, line 1, by inserting after the
10 word "increases" the following: "or decreases".
11 5. Title, page 2, line 18, by inserting after the
12 word "reads" the following: "substantially".
13 6. Title, page 2, line 22, by inserting after the
14 word "increase" the following: "or decrease".

By JACK HOLVECK
NEAL SCHUERER
JOHNIE HAMMOND

S-5102 FILED MARCH 4, 2002

doct
3/12/02 (p. 589)