

**RESOLUTION URGING CONGRESSIONAL
ACTION OVER COURTS**

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Evan L. Olsen

A JOINT RESOLUTION OF THE LEGISLATURE URGING THE UNITED STATES CONGRESS TO AMEND THE UNITED STATES CONSTITUTION TO PROHIBIT FEDERAL JUDGES FROM LEVYING OR INCREASING TAXES.

Be it resolved by the Legislature of the state of Utah:

WHEREAS, separation of powers between the legislative, executive, and judicial branches of government is a fundamental principle upon which the United States Constitution is based;

WHEREAS, actions of one branch of government that encroach upon the duty and authority of another branch erode the Constitution's checks and balances against abuse of power by any branch;

WHEREAS, the United States Supreme Court has asserted that federal judges have the power under the United States Constitution to levy or increase taxes;

WHEREAS, this determination places the judicial branch of government in direct competition with state legislatures and limits the fiscal resources available to legislators to serve their constituents' needs;

WHEREAS, it also gives the federal judiciary a virtual veto-proof spending power over political choices and spending priorities of democratically elected state legislatures;

WHEREAS, federal courts continue to violate the United States Constitution by ordering states to levy or increase taxes to comply with federal mandates;

WHEREAS, a proposed amendment to the United States Constitution to prohibit the judiciary's encroachment reads: "Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or political subdivision thereof, or an official of such state or political subdivision, to levy or increase taxes"; and

WHEREAS, encroachments by one branch of government upon the authority of another branch must be prevented, by a constitutional amendment if necessary, to preserve the balance of

power the founding fathers constructed:

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah urge the United States Congress to amend the United States Constitution to prohibit federal courts from levying or increasing taxes.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the Speaker of the United States House of Representatives, the President of the United States Senate, and to the members of Utah's congressional delegation.