

1 **RESOLUTION URGING CONGRESSIONAL**

2 **ACTION OVER COURTS**

3 1999 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: Evan L. Olsen**

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

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

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

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

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

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

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

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

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

28 WHEREAS, encroachments by one branch of government upon the authority of another
29 branch must be prevented, by a constitutional amendment if necessary, to preserve the balance of
30 power the founding fathers constructed:

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

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

Legislative Review Note
as of 12-17-98 8:25 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel