

SENATE JOINT RESOLUTION NO. SJ0003

Judicial taxation authority.

Sponsored by: Senator(s) Case, Cathcart and Geis and Representative(s) Cohee, Hageman and Tipton

A Bill

for

1 A JOINT RESOLUTION requesting Congress to propose and
2 submit to the several states for ratification an amendment
3 to the Constitution of the United States on the subject of
4 judicial taxation.

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6 WHEREAS, separation of powers is fundamental to the United
7 States Constitution and the power of the federal government
8 is strictly limited; and

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10 WHEREAS, under the United States Constitution, the states
11 are to determine public policy; and

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13 WHEREAS, it is the duty of the judiciary to interpret the
14 law, not to create law; and

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1 WHEREAS, our present federal government has strayed from
2 the intent of our founding fathers and the United States
3 Constitution through inappropriate federal mandates; and

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5 WHEREAS, these mandates by ways of statute, rule or
6 judicial decision have forced state governments to serve as
7 the mere administrative arm of the federal government; and

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9 WHEREAS, federal district courts, with the acquiescence of
10 the United States Supreme Court, continue to order states
11 to levy or increase taxes to comply with federal mandates,
12 in violation of the United States Constitution and the
13 legislative process; and

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15 WHEREAS, the time has come for the people of this great
16 nation and their duly elected representatives in state
17 government, to reaffirm, in no uncertain terms, that the
18 authority to tax under the Constitution of the United
19 States is retained by the people who, by their consent
20 alone, do delegate such power to tax explicitly to those
21 duly elected representatives in the legislative branch of
22 government whom they choose, such representatives being
23 directly responsible and accountable to those who have
24 elected them; and

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2 WHEREAS, several states have petitioned the United States
3 Congress to propose an amendment to the Constitution of the
4 United States of America which was previously introduced in
5 Congress; and

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7 WHEREAS, the amendment seeks to prevent federal courts from
8 levying or increasing taxes without representation of the
9 people and against the people's wishes.

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11 *Now, Therefore, Be It Resolved By The Members of the*
12 *Legislature of the State of Wyoming:*

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14 1. That the Congress of the United States expeditiously
15 propose and submit to the Legislatures of the several
16 States for ratification an amendment to the Constitution of
17 the United States to add a new article providing as
18 follows:

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20 "Neither the Supreme Court nor any inferior
21 court of the United States shall have the power
22 to instruct or order a state or a political
23 subdivision thereof, or an official of such a
24 state or political subdivision, to levy or
increase taxes."

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2 2. That this resolution constitutes a continuing
3 application in accordance with Article V of the
4 Constitution of the United States.

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6 3. That the Legislatures of each of the several states
7 comprising the United States are urged to apply to the
8 United States Congress requesting that the referenced
9 amendment to the United States Constitution be submitted to
10 the states for ratification.

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12 4. That the Secretary of State transmit copies of this
13 resolution to the President of the United States Senate,
14 the Speaker of the House of Representatives of the United
15 States, each Member of the Wyoming Congressional
16 Delegation, and the Secretary of State and the presiding
17 officers of both Houses of the Legislatures of each of the
18 other States in the Union.

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(END)