

Senate JOINT RESOLUTION NO. 3

INTRODUCED BY

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A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE UNITED STATES CONGRESS TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO CLARIFY THAT FEDERAL COURTS CANNOT REQUIRE A STATE OR POLITICAL SUBDIVISION OF A STATE TO LEVY OR INCREASE A TAX; ENCOURAGING OTHER STATES TO SUPPORT THE SAME AMENDMENT TO THE UNITED STATES CONSTITUTION; AND REQUIRING THE SECRETARY OF STATE TO SEND A COPY OF THIS RESOLUTION TO CERTAIN PERSONS.

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

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

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

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

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

WHEREAS, federal District Courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

WHEREAS, these court actions violate the United States Constitution and the legislative process; and

WHEREAS, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the United States Constitution is retained by the people who, by their consent alone, delegate the power to tax explicitly to their duly elected representatives in the Legislative Branch of government who are directly responsible and accountable to the people who have elected them; and

WHEREAS, several states have petitioned the United States Congress to propose an amendment to the United States Constitution to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes, and the amendment has been introduced.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 STATE OF MONTANA:

3 (1) That the United States Congress prepare and submit to the several states an amendment to the
4 United States Constitution to add a new article that reads: "Neither the Supreme Court nor any inferior
5 court of the United States shall have the power to instruct or order a state or a political subdivision of a
6 state or an official of a state or political subdivision of a state to levy or increase a tax."

7 (2) That this application constitutes a continuing application in accordance with Article V of the
8 United States Constitution.

9 (3) That the Senate and the House of Representatives of the State of Montana also propose that
10 the Legislatures of each of the several states composing the United States that have not yet made a similar
11 request apply to the United States Congress requesting enactment of an appropriate amendment congruent
12 with the language proposed in subsection (1).

13 (4) That the Secretary of State transmit a copy of this joint resolution to the President and Vice
14 President of the United States, the presiding officer in each house of the Legislature in each state of the
15 United States, the Speaker of the United States House of Representatives, the Majority Leader of the United
16 States Senate, and to each member of Montana's Congressional Delegation.

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