

SHORT TITLE: Memorializing the United States Congress to propose and submit to the several states an amendment to the United States Constitution providing that no court shall have the power to levy or increase taxes.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE CONCURRENT
RESOLUTION NO. 50

By: Wright of the Senate

and

Morgan of the House

AS INTRODUCED

A Concurrent Resolution memorializing the United States Congress to propose and submit to the several states an amendment to the United States Constitution providing that no court shall have the power to levy or increase taxes; and directing distribution.

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, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with the federal courts' interpretation of federal law; and

WHEREAS, the federal courts have strayed from the intent of our founding fathers and the United States Constitution through inappropriate judicial tax mandates; and

WHEREAS, these mandates by way of judicial decision have forced state governments to serve as the mere administrative arm of the federal government; 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, do delegate such power to tax explicitly to themselves or those duly elected representatives being directly responsible and accountable to those who have elected them; and

WHEREAS, several states have petitioned the United States Congress to propose an amendment to the United States Constitution; and

WHEREAS, the amendment was previously introduced in the United States Congress; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE 2ND SESSION OF THE 46TH OKLAHOMA LEGISLATURE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

THAT the United States Congress prepare and submit to the several states an amendment to the United States Constitution to add a new article providing as follows:

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

THAT the Secretary of State is hereby directed to distribute copies of this resolution to the President and Vice President of the United States, the Presiding Officer in each house of the legislature in each of the states of the Union, the Speaker of the United States House of Representatives, the Majority Leader of the

United States Senate and to each member of the State of Oklahoma
Congressional Delegation.

46-2-2812

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