

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

H.C.R.

1012

4 By: Representative Mullenix

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HOUSE CONCURRENT RESOLUTION

8 REQUESTING AND PETITIONING THE CONGRESS OF THE UNITED
9 STATES TO PROPOSE FOR SUBMISSION TO THE STATES FOR THEIR
10 RATIFICATION AN AMENDMENT TO THE CONSTITUTION OF THE
11 UNITED STATES OF AMERICA TO RESTRICT THE ABILITY OF THE
12 UNITED STATES SUPREME COURT OR ANY INFERIOR COURT OF THE
13 UNITED STATES TO MANDATE ANY STATE OR POLITICAL
14 SUBDIVISION THEREOF TO LEVY OR INCREASE TAXES.

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Subtitle

17 REQUESTING CONGRESS TO PROPOSE FOR SUBMISSION TO THE
18 STATES FOR THEIR RATIFICATION AN AMENDMENT TO THE
19 CONSTITUTION OF THE UNITED STATES TO RESTRICT THE
20 ABILITY TO LEVY OR INCREASE TAXES.

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23 WHEREAS, unfunded mandates by the United States Congress and the
24 Executive Branch of the federal government increasingly strain state
25 government budgets if the states are to comply; and

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27 WHEREAS, to further compound this assault on state revenues, federal
28 District Courts, with the blessing of the United States Supreme Court,
29 continue to order states to levy or increase taxes to comply with federal
30 mandates; and

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32 WHEREAS, the Courts_ actions are an intrusion into a legitimate
33 legislative debate over state spending priorities and not a response to a
34 constitutional directive; and

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1 WHEREAS, the Constitution of the United States of America does not
2 allow, nor do the states need, judicial intervention requiring tax levies or
3 increases as solutions to potentially serious problems; and
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5 WHEREAS, this usurpation of legislative authority begins a process that
6 over time could threaten the fundamental concept of separation of powers that
7 is precious to the preservation of the form of our government embodied by the
8 Constitution of the United States of America; and
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10 WHEREAS, several states have petitioned the United States Congress to
11 propose an amendment to the Constitution of the United States of America
12 which amendment would restrict the ability of the United States Supreme Court
13 or any inferior court of the United States to mandate any state or political
14 subdivision thereof to levy or increase taxes;
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16 NOW THEREFORE,

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTIETH GENERAL
18 ASSEMBLY OF THE STATE OF ARKANSAS, THE SENATE CONCURRING THEREIN:
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20 That the Arkansas General Assembly respectfully requests and petitions
21 the Congress of the United States to propose and submit to the states for
22 their ratification an amendment to the Constitution of the United States of
23 America to read as follows:

24 "Neither the Supreme Court nor any inferior court of the United States
25 shall have the power to instruct or order a state or political
26 subdivision thereof, or an official of such state or political
27 subdivision, to levy or increase taxes".
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29 Be it further resolved that upon adoption of this Resolution by the
30 House and Senate, the Chief Clerk of the House of Representatives shall
31 transmit a copy to the members of the Arkansas Congressional Delegation.
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