

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

HJR 1011

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5 By: Representative Bennett  
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## 8 HOUSE JOINT RESOLUTION

9 REQUESTING THE CONGRESS OF THE UNITED STATES TO  
10 PROPOSE AND SUBMIT TO THE SEVERAL STATES FOR  
11 RATIFICATION, AN AMENDMENT TO THE CONSTITUTION OF  
12 THE UNITED STATES ON THE SUBJECT OF JUDICIAL  
13 TAXATION.  
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### 15 Subtitle

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17 TO THE STATES FOR RATIFICATION, AN  
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23 WHEREAS, the separation of powers is a fundamental concept of the  
24 United States Constitution and the power of the federal government is  
25 strictly limited; and  
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27 WHEREAS, under the United States Constitution, the states' governments  
28 are to determine public policy and are considered coequal, sovereign  
29 governments with the federal government; and  
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31 WHEREAS, it is the duty of the judiciary to interpret the law, not to  
32 create law, and the federal district courts, with the acquiescence of the  
33 United States Supreme Court, continue to order states to levy or increase  
34 taxes in violation of the United States Constitution and the legislative  
35 process; and  
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1       WHEREAS, the time has come for the people of this great nation and  
2       their elected representatives in state government, to reaffirm, in no  
3       uncertain terms, that the authority to tax under the Constitution of the  
4       United States is retained by the people who, by their consent alone, do  
5       delegate the power to tax explicitly to those elected representatives in the  
6       legislative branch of government whom they choose, the representatives being  
7       directly responsible and accountable to those who have elected them; and

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9       WHEREAS, the states of Missouri, Colorado, New York, Tennessee,  
10      Arizona, Louisiana, Massachusetts, Nevada, Alaska, Michigan, South Dakota,  
11      Delaware, Alabama, Oklahoma, Utah, West Virginia, Illinois, Kansas, New  
12      Hampshire, South Carolina, Pennsylvania, North Dakota, and Wyoming have  
13      petitioned the United States Congress to propose an amendment to the  
14      Constitution of the United States of America, which was previously introduced  
15      in Congress; and

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

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21      BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE EIGHTY-FOURTH GENERAL  
22      ASSEMBLY OF THE STATE OF ARKANSAS AND BY THE SENATE, A MAJORITY OF ALL  
23      MEMBERS ELECTED TO EACH HOUSE AGREEING THERETO:

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25      That the Congress of the United States expeditiously propose and submit  
26      to the legislatures of the several states for ratification an amendment to  
27      the Constitution of the United States to add a new article providing as  
28      follows:

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

33      That this resolution constitutes a continuing application in accordance  
34      with Article V of the Constitution of the United States that the legislatures  
35      of each of the several states comprising the United States are urged to apply  
36      to the United States Congress requesting that the referenced amendment to the

1 United States Constitution be submitted to the states for ratification; and

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3 BE IT FURTHER RESOLVED that, upon adoption of this resolution, the Secretary  
4 of the Senate shall transmit a copy of this resolution to the presiding  
5 officers of the United States Senate and the United States House of  
6 Representatives, and to each member of the Arkansas congressional delegation.  
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