

1 SENATE JOINT RESOLUTION 13

2 **44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,**
3 **2000**

4 INTRODUCED BY

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11 A JOINT RESOLUTION

12 APPLYING TO THE UNITED STATES CONGRESS TO PREPARE AND SUBMIT
13 TO THE STATES AN AMENDMENT TO THE UNITED STATES CONSTITUTION
14 RELATING TO THE SUBJECT OF JUDICIAL TAXATION.
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16 WHEREAS, separation of powers is fundamental to the
17 constitution of the United States, and the power of the
18 federal government is strictly limited; and

19 WHEREAS, under the United States constitution, the
20 states are to determine public policy; and

21 WHEREAS, it is the duty of the judiciary to interpret
22 the law; and

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

WHEREAS, these mandates by way of statute, rule or
judicial decision have forced state governments to serve as

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1 the mere administrative arm of the federal government; and
2 WHEREAS, some federal district courts with the
3 acquiescence of the United States supreme court continue to
4 order states to levy or increase taxes to comply with federal
5 mandates; and

6 WHEREAS, these court actions violate the United States
7 constitution and the legislative process; and

8 WHEREAS, the time has come for the people of this great
9 nation and their duly elected representatives in state
10 government to reaffirm in no uncertain terms that the
11 authority to tax under the United States constitution is
12 retained by the people who, by their consent alone, do
13 delegate such power to tax explicitly to those duly elected
14 representatives in the legislative branch of government who
15 they choose, such representatives being directly responsible
16 and accountable to those who have elected them; and

17 WHEREAS, several states, including Alabama, Alaska,
18 Arizona, Colorado, Delaware, Louisiana, Massachusetts,
19 Michigan, Missouri, Nevada, New York, Oklahoma, South Dakota,
20 Tennessee and Utah, have petitioned the United States
21 congress to propose an amendment to the United States
22 constitution; and

23 WHEREAS, the amendment was previously introduced in the
24 United States congress; and

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

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1 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
2 STATE OF NEW MEXICO that the United States congress be
3 requested to prepare and submit to the several states an
4 amendment to the United States constitution to add a new
5 article providing as follows:

6 "Neither the supreme court nor any inferior court of the
7 United States shall have the power to instruct or order a
8 state or a political subdivision thereof, or an official of
9 such a state or political subdivision, to levy or increase
10 taxes."; and

11 BE IT FURTHER RESOLVED that this application constitute
12 a continuing application in accordance with Article 5 of the
13 United States constitution; and

14 BE IT FURTHER RESOLVED that the legislatures of the
15 several states that have not yet made a similar application
16 be requested to apply to the United States congress to
17 prepare and submit the amendment to the states; and

18 BE IT FURTHER RESOLVED that copies of this resolution be
19 transmitted to the president and vice president of the United
20 States, the presiding officer of each house in each of the
21 states, the speaker of the United States house of
22 representatives, the president pro tempore of the United
23 States senate and each member of New Mexico's congressional
24 delegation.