

SENATE CS FOR HOUSE JOINT RESOLUTION NO. 57(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - SECOND SESSION

BY THE SENATE STATE AFFAIRS COMMITTEE

Offered: 5/6/98

Referred: Rules

Sponsor(s): REPRESENTATIVES GREEN, Kohring, James, Austerman

A RESOLUTION

1 Relating to an amendment to the Constitution of the United States prohibiting
2 federal courts from ordering a state or a political subdivision of a state to
3 increase or impose taxes.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 WHEREAS federal courts have ordered a state or political subdivision of a state to
6 levy or increase taxes; and

7 WHEREAS such an order violates fundamental principles of separation of powers
8 under which the legislative branch is charged with the enactment of laws; and

9 WHEREAS such an order, coming from a federal court, severely undermines the
10 independence of each of the states;

11 BE IT RESOLVED by the Alaska State Legislature that the Congress of the United
12 States is requested to prepare and present to the legislatures of all the states an amendment
13 to the Constitution of the United States that would prohibit a federal court from ordering a
14 state or political subdivision of a state to increase or impose taxes in substantially the
15 following language:

16 Neither the Supreme Court nor any inferior court of the United

1 States shall have the power to instruct or order a state or
2 political subdivision thereof, or an official of such state or
3 political subdivision, to levy or increase taxes.

4 and be it;

5 **FURTHER RESOLVED** that this resolution constitutes a continuing application in
6 accordance with Article V, Constitution of the United States, and that the legislatures of all
7 the states are invited to join with Alaska to secure ratification of the proposed amendment.

8 **COPIES** of this resolution shall be sent to the Honorable Bill Clinton, President of the
9 United States; the Honorable Al Gore, Jr., Vice-President of the United States and President
10 of the U.S. Senate; the Honorable Strom Thurmond, President Pro Tempore of the U.S.
11 Senate; the Honorable Newt Gingrich, Speaker of the U.S. House of Representatives; to the
12 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
13 Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress;
14 and to the governors and presiding officers of the houses of the legislatures of each of
15 Alaska's sister states.