

HOUSE CONCURRENT RESOLUTION NO. 3031

Introduced by

Representatives Carlson, Grande, Koppelman, Wald

1 A concurrent resolution making application to Congress to submit to the states an amendment
2 to the Constitution of the United States to prohibit the United States Supreme Court and any
3 federal court from ordering a state or political subdivision to levy or increase taxes.

4 **WHEREAS**, the Constitution of the United States reserves to the states a broad range
5 of powers and the power of the federal government is strictly limited with regard to powers
6 reserved to the states; and

7 **WHEREAS**, under the Constitution of the United States, the states are given full
8 authority over state and local government tax policy; and

9 **WHEREAS**, it is the duty of the judiciary to interpret the law, not to create law; and

10 **WHEREAS**, our present federal government has strayed from the intent of our founding
11 fathers and the Constitution of the United States through inappropriate federal mandates; and

12 **WHEREAS**, federal district courts, with the acquiescence of the United States Supreme
13 Court, continue to order states to levy or increase taxes to comply with federal mandates; and

14 **WHEREAS**, these court actions violate the Constitution of the United States; and

15 **WHEREAS**, the time has come for the people of this great nation and their duly elected
16 representatives in state government to reaffirm, in no uncertain terms, that the authority to tax
17 under the Constitution of the United States is retained by the people who, by their consent
18 alone, do delegate such power to tax explicitly to those duly elected representatives in the
19 legislative branch of government whom they choose, such representatives being directly
20 responsible and accountable to those who have elected them;

21 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
22 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

23 1. That the United States Congress prepare and submit to the several states an
24 amendment to the Constitution of the United States to add a new article providing
25 as follows:

- 1 "Neither the Supreme Court nor any inferior court of the United States shall
- 2 have the power to instruct or order a state or political subdivision thereof, or
- 3 an official of such a state or political subdivision, to levy or increase taxes."
- 4 2. That this application constitutes a continuing application in accordance with
- 5 Article V of the Constitution of the United States.
- 6 3. That the Fifty-seventh Legislative Assembly also proposes that the legislatures of
- 7 each of the several states comprising the United States that have not yet made a
- 8 similar request apply to the United States Congress requesting enactment of an
- 9 appropriate amendment to the Constitution of the United States, and apply to the
- 10 United States Congress to propose such an amendment to the Constitution of the
- 11 United States.
- 12 4. That the Secretary of State transmit copies of this resolution to the President and
- 13 Vice President of the United States, the presiding officer in each house of the
- 14 legislature in each of the states in the Union, the Speaker of the United States
- 15 House of Representatives, the President of the United States Senate, and to each
- 16 member of the North Dakota Congressional Delegation.