

## House Resolution 1433

By: Representatives Forster of the 3<sup>rd</sup>, Williams of the 4<sup>th</sup>, Graves of the 12<sup>th</sup>, Brown of the 69<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, and others

## A RESOLUTION

1 Urging Congress to prepare and submit to the several states an amendment to the  
2 Constitution; urging other state legislatures to apply to Congress to prepare and submit such  
3 an amendment; and for other purposes.

4 WHEREAS, separation of powers is fundamental to the United States Constitution, which  
5 strictly limits the power of the federal government; and

6 WHEREAS, under the United States Constitution, the states are to determine public policy;  
7 and

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

9 WHEREAS, our present federal government has strayed from the intent of the Founding  
10 Fathers and the United States Constitution through inappropriate federal mandates; and

11 WHEREAS, these mandates by way of statute, rule, or judicial decision have forced state  
12 governments to serve as the mere administrative arm of the federal government; and

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

15 WHEREAS, these court actions violate the United States Constitution and the legislative  
16 process; and

17 WHEREAS, the time has come for the people of this great nation and their duly elected  
18 representatives in state government to reaffirm in no uncertain terms that the authority to tax  
19 under the Constitution of the United States is retained by the people who, by their consent  
20 alone, do delegate such power to tax explicitly to those duly elected representatives in the

1 legislative branch of government whom they choose, such representatives being directly  
2 responsible and accountable to those who have elected them; and

3 WHEREAS, the lawmakers of Alabama, Alaska, Arizona, Colorado, Delaware, Guam,  
4 Illinois, Kansas, Louisiana, the Mariana Islands, Massachusetts, Michigan, Mississippi,  
5 Missouri, Nevada, New Hampshire, New York, North Dakota, Oklahoma, Pennsylvania,  
6 South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, and  
7 Wyoming have petitioned the United States Congress to propose an amendment to the  
8 Constitution of the United States of America seeking to prevent federal courts from levying  
9 or increasing taxes without representation of the people against the peoples' wishes; and

10 WHEREAS, this proposed amendment was previously introduced in Congress.

11 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that  
12 1. the members of this body urge the Congress of the United States to prepare and submit  
13 to the several states an amendment to the Constitution of the United States to add a new  
14 article providing as follows: "Neither the Supreme Court nor any inferior court of the United  
15 States shall have the power to instruct or order a state or political subdivision thereof, or an  
16 official of such state or political subdivision, to levy or increase taxes."  
17 2. this application constitutes a continuing application in accordance with Article V of the  
18 Constitution of the United States.

19 BE IT FURTHER RESOLVED that the legislatures of each of the several states comprising  
20 the United States that have not yet made a similar request are urged to apply to the United  
21 States Congress requesting enactment of an appropriate amendment to the United States  
22 Constitution, and apply to the United States Congress to propose such an amendment to the  
23 United States Constitution.

24 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized  
25 and directed to transmit an appropriate copy of this resolution to the President and Vice  
26 President of the United States, the presiding officer in each house of the legislature in each  
27 of the states in the Union, the Speaker of the United States House of Representatives, the  
28 President of the United States Senate, and to each member of the Georgia Congressional  
29 Delegation.