

SENATE RULES COMMITTEE RESOLUTION

August 10, 1976

WHEREAS, the Minnesota Legislature has willingly provided substantially increased funds, staff, programs and care for the retarded through sheltered workshops, institutional care, special education, daytime activity centers and other programs, and

WHEREAS, free citizens cannot accept the substitution for their collective judgment expressed through their elected legislature of one person's opinion of the appropriate level of funding for one part of the programs for the retarded, and

WHEREAS, appropriations cannot be made without the levying of taxes to pay for lawfully appropriated funds, and

WHEREAS, programs for the retarded and all other state functions necessarily compete with all other demands for state revenues, and

WHEREAS, the balancing of these demands and the setting of state tax levels is a basic and fundamental role of the popularly-elected Legislature in our system of government, and

WHEREAS, to permit an unelected Federal Judge to take from the people their right to set these taxes through their freely elected representatives would be to return our system to the pre-1776 Revolution when people were taxed without representation,

THEREFORE, Be It Resolved by the Committee on Rules and Administration of the State Senate that participation by the Senate as amicus curiae in the appeal of Judge Earl Larson's Order in the case of WELSCH v. LIKINS be authorized, that the House of Representatives be asked to join in this amicus role, that for this purpose expenditure from funds appropriated to the Legislature is authorized, and that hiring prominent outside counsel is authorized.

BE IT FURTHER RESOLVED, that a request shall be extended to the Council; of State Legislatures to enter as amicus in a similar manner.

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