



Vote YES on HJR 17 (Hughes)

HJR 17 is a taxpayer-friendly resolution that would amend -- with voter approval -- the state Constitution to prohibit the judicial branch from

- requiring an appropriation of state funds, with limited exceptions
- requiring the expenditure of funds by a political subdivision
- requiring the imposition or increase of a state or local tax.

HJR 17 is needed in order to guarantee that the judicial branch does not overstep its authority. Decisions regarding budgets, taxation, and expenditures belong with the legislative and executive branches, not the judiciary.

Since 1970s, courts in numerous states have been mandating spending increases in the name of education “adequacy”, not just education equity. The following websites and publication provide information on these “adequacy” court cases.

Education Commission of the States

<http://www.ecs.org/clearinghouse/14/21/1421.htm>

References cases in Ohio, Vermont, Wyoming, Arizona, and New Hampshire

<http://www.ecs.org/clearinghouse/60/26/6026.htm>

“Thirty-two states have faced adequacy lawsuits and 14 states have lost such suits. In fact, the pace of decisions on adequacy cases is increasing with high courts in seven states ruling in favor of plaintiffs in the past two years alone. “

National Conference of State Legislatures

<http://www.ncsl.org/programs/pubs/902school.htm#courts>

References cases in West Virginia, Kentucky, Ohio, Wyoming

Educational Adequacy and The Courts: The Promise and Problems of Moving to a New Paradigm (Minorini and Sugarman, 1998)

References cases in Alabama, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Tennessee, Wyoming, Arizona, Kentucky,

Opponents argue that Utah does not have activist judges. That may, or may not, be the case now, but that does not guarantee that Utah will not have activist judges in the future. Passage of HJR 17 guarantees that judges and justices do not infringe on the authority of the governor, legislature, and locally elected officials.

Please vote YES on HJR 17

Utah Taxpayers Association

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