

## HOUSE JOINT RESOLUTION NO. HJ0001

Resolution-state sovereignty.

Sponsored by: Representative(s) Brechtel

A Bill

for

1 A JOINT RESOLUTION requesting Congress to cease and desist  
2 from enacting mandates that are beyond the scope of the  
3 enumerated powers granted to Congress by the Constitution  
4 of the United States.

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6 WHEREAS, the Tenth Amendment to the Constitution of the  
7 United States reads as follows: "The powers not delegated  
8 to the United States by the Constitution, nor prohibited by  
9 it to the States, are reserved to the States respectively,  
10 or to the people"; and

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12 WHEREAS, the Tenth Amendment defines the total scope of  
13 federal power as being that specifically granted by the  
14 Constitution of the United States and no more; and

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1 WHEREAS, the scope of power defined by the Tenth Amendment  
2 means that the federal government was created by the states  
3 specifically to be an agent of the states; and

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5 WHEREAS, today, in 2010, the states are demonstrably  
6 treated as agents of the federal government; and

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8 WHEREAS, many federal laws are directly in violation of the  
9 Tenth Amendment to the Constitution of the United States;  
10 and

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12 WHEREAS, the Tenth Amendment assures that we, the people of  
13 the United States of America and each sovereign state in  
14 the union of states, now have, and have always had, rights  
15 the federal government may not usurp; and

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17 WHEREAS, Section 4, Article IV, of the Constitution says,  
18 "The United States shall guarantee to every State in this  
19 Union a Republican Form of Government," and the Ninth  
20 Amendment states that "The enumeration in the Constitution,  
21 of certain rights, shall not be construed to deny or  
22 disparage others retained by the people"; and

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1 WHEREAS, the United States supreme court has ruled in *New*  
2 *York v. United States*, 112 S. Ct. 2408 (1992), that  
3 Congress may not simply commandeer the legislative and  
4 regulatory processes of the states; and

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6 WHEREAS, a number of proposals from previous  
7 administrations and some now pending from the present  
8 administration and from Congress may further violate the  
9 Constitution of the United States.

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11 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*  
12 *LEGISLATURE OF THE STATE OF WYOMING:*

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14 **Section 1.** That the Wyoming Legislature claims  
15 sovereignty under the Tenth Amendment to the Constitution  
16 of the United States over all powers not otherwise  
17 enumerated and granted to the federal government by the  
18 Constitution of the United States.

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20 **Section 2.** That this resolution serve as notice and  
21 demand to the federal government, as our agent, to cease  
22 and desist, effective immediately, from enacting mandates  
23 that are beyond the scope of these constitutionally  
24 delegated powers.

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2           **Section 3.** That all compulsory federal legislation  
3 that directs states to comply under threat of civil or  
4 criminal penalties or sanctions or that requires states to  
5 pass legislation or lose federal funding be prohibited or  
6 repealed.

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8           **Section 4.** That the Secretary of State of Wyoming  
9 transmit copies of this resolution to the President of the  
10 United States, to the President of the Senate and the  
11 Speaker of the House of Representatives of the United  
12 States Congress and to the Wyoming Congressional  
13 Delegation, with a request that this resolution be  
14 officially entered in the congressional record as a  
15 memorial to the Congress of the United States of America.

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(END)