

ORIGINAL HOUSE
JOINT RESOLUTION
NO. 0009

ENGROSSED

ENROLLED JOINT RESOLUTION NO. 3, HOUSE OF REPRESENTATIVES

SIXTIETH LEGISLATURE OF THE STATE OF WYOMING
2010 BUDGET SESSION

A JOINT RESOLUTION demanding Congress to cease and desist from enacting mandates that are beyond the enumerated powers granted to the Congress by the United States Constitution; and, to amend the tenth amendment and the interstate commerce clause in article 1, section 8 of the United States Constitution.

WHEREAS, the tenth amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

WHEREAS, the tenth amendment to the Constitution of the United States defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, the scope of the power defined by the tenth amendment to the Constitution of the United States means that the federal government was created by the states specifically to be an agent of the states; and

WHEREAS, the states are demonstrably treated as agents of the federal government; and

WHEREAS, many powers assumed by the federal government and federal mandates are directly in violation of the tenth amendment to the United States Constitution; and

WHEREAS, the interstate commerce clause in article 1, section 8 of the Constitution of the United States provides that Congress shall have the power: "To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes;" and

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WHEREAS, the interstate commerce clause is limited to the federal government regulating trade between the states and between the states and other nations, to help prevent conflicts between states over commercial activities and to prevent the erection of barriers to commerce between the states; and

WHEREAS, the interstate commerce clause should not be used to provide Congress with authority to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce; and

WHEREAS, many federal laws are beyond the scope and intent of the interstate commerce clause and the tenth amendment to the Constitution of the United States; and

WHEREAS, the tenth amendment to the Constitution of the United States assures that we, the people of the United States of America and each sovereign state in the union of states, now have, and have always had, rights the federal government may not usurp; and

WHEREAS, article 4, section 4, of the Constitution of the United States says: "The United States shall guarantee to every State in this Union a Republican Form of Government," and the ninth amendment to the Constitution of the United States adds "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people."; and

WHEREAS, Congress may not simply commandeer the legislative and regulatory processes of the states.

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

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Section 1. That the Wyoming Congressional delegation and Congress take action to initiate the amendment process provided by article 5 of the Constitution of the United States to amend the tenth amendment and article 1, section 8 (the interstate commerce clause), of the Constitution of the United States.

Section 2. That Congress amend the tenth amendment of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

The powers not expressly delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. This amendment shall be considered by all courts as a rule of interpretation and construction in any case involving an interpretation of any constitutional power claimed by the Congress.

Section 3. That Congress amend the interstate commerce clause, article 1 section 8, of the Constitution of the United States as follows, with proposed changes indicated in underscored text:

To directly regulate Commerce with foreign nations, and among the several states, and with the Indian Tribes, with no authority in Congress to regulate matters that are primarily intrastate with only an insignificant or collateral effect upon interstate commerce;

Section 4. That Congress shall specify that the amendments to the tenth amendment and the interstate commerce clause, article 1 section 8, of the Constitution of the United States, as provided herein, shall be operative upon ratification by the legislatures of three-

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fourths of the several states, provided that such ratification shall occur within seven years from the date of the submission of the amendments to the states by Congress.

Section 5. That this state calls on its costates for an expression of their sentiments on the need to amend the tenth amendment and article 1, section 8 of the Constitution of the United States as provided in this resolution.

Section 6.

(a) That the Secretary of State of Wyoming transmit copies of this resolution:

(i) To the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the United States Congress and to the Wyoming Congressional Delegation, with a request that the Wyoming Congressional delegation take all reasonable and necessary actions to initiate the amendment process to amend the Constitution of the United States consistent with the language proposed in this resolution and that this resolution be officially entered in the congressional record as a memorial to the Congress of the United States of America; and

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(ii) To the speaker of the house of representatives and president of the senate, or their equivalent, and the governor of each of the other forty-nine states.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk