

Sixty-first
Legislative Assembly
of North Dakota

HOUSE CONCURRENT RESOLUTION NO.

Introduced by

Representative Headland

(Approved by the Delayed Bills Committee)

1 A concurrent resolution affirming North Dakota's sovereignty under the Tenth Amendment to
2 the Constitution of the United States and to demand the federal government halt its practice of
3 assuming powers and of imposing mandates on the state's for purposes not innumrated in the
4 Constitution of the United States.

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

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

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

12 **WHEREAS**, in 2009, the states are demonstrably treated as agents of the federal
13 government; and

14 **WHEREAS**, many powers assumed by the federal government and federal mandates
15 are directly in violation of the Tenth Amendment to the Constitution of the United States; and

16 **WHEREAS**, the United States Supreme Court has ruled in *New York v. United States*,
17 112 S. Ct.2408 (1992), that Congress may not simply commandeers the legislative and
18 regulatory processes of the states; and

19 **WHEREAS**, a number of proposals from previous administrations and some now
20 pending from the present administration and from Congress may further violate the Constitution
21 of the United States;

22 **NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES**
23 **OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

24 That the Sixty-first Legislative Assembly affirms this state's sovereignty under the Tenth
25 Amendment to the Constitution of the United States over all powers not otherwise enumerated

1 and granted to the federal government by the Constitution of the United States and demands
2 the federal government to halt its practice of assuming powers and of imposing mandates upon
3 the states for purposes not innumrated by the Constitution of the United States; and
4 **BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this
5 resolution to the President of the United States, the President of the United States Senate, the
6 Speaker and Clerk of the United States House of Representatives, and to each member of the
7 North Dakota Congressional Delegation, and to the legislative bodies of each state.