

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 10th Amendment to the
2 Constitution of the United States and to demand the federal government halt its practice of
3 assuming powers and imposing mandates on the states for purposes not enumerated in the
4 Constitution of the United States.

5 **WHEREAS**, the 10th 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 10th Amendment defines the total scope of federal power as being that
9 specifically granted by the Constitution of the United States and no more; and

10 **WHEREAS**, the scope of power defined by the 10th Amendment means that the federal
11 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 10th Amendment to the Constitution of the United States; and

16 **WHEREAS**, the United States Supreme Court ruled in New York v. United States,
17 112 S. Ct. 2408 (1992) that Congress may not simply commandeer 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
25 10th Amendment to the Constitution of the United States over all powers not otherwise

1 enumerated and granted to the federal government by the Constitution of the United States and
2 demands the federal government halt its practice of assuming powers and imposing mandates
3 upon the states for purposes not enumerated in 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 of the United States House of Representatives, and to each member of the North
7 Dakota Congressional Delegation.