

**Sixty-second Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE CONCURRENT RESOLUTION NO. 3015  
(Representatives Kasper, Headland, Keiser, Thoreson, Weiler)  
(Senator Wardner)

A concurrent resolution reaffirming North Dakota's sovereignty under the 10<sup>th</sup> Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States.

**WHEREAS**, the 10<sup>th</sup> 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 10<sup>th</sup> Amendment 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 power defined by the 10<sup>th</sup> Amendment means that the federal government was created by the states and the powers of the federal government are limited and enumerated; and

**WHEREAS**, in 2011 the states are demonstrably treated as agents of the federal government; and

**WHEREAS**, many federal laws are directly in violation of the 10<sup>th</sup> Amendment to the Constitution of the United States; and

**WHEREAS**, the 10<sup>th</sup> Amendment 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**, the United States Supreme Court ruled in *New York v. United States*, 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and regulatory processes of the states; and

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

**WHEREAS**, the Sixty-first Legislative Assembly affirmed this state's sovereignty under the 10<sup>th</sup> Amendment to the Constitution of the United States;

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

That the Sixty-second Legislative Assembly reaffirms this state's sovereignty under the 10<sup>th</sup> Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the Constitution of the United States and continues its demand that the federal government halt its practice of assuming powers and imposing mandates upon the states for purposes not enumerated in the Constitution of the United States; and

**BE IT FURTHER RESOLVED**, that this resolution serves as notice and demand to the federal government to cease and desist, effective immediately, mandates that are beyond the scope of constitutionally delegated powers; and

**BE IT FURTHER RESOLVED**, that all compulsory federal legislation that directs states to comply under threat of civil or criminal penalties or sanctions or requires states to pass legislation or lose federal funding be prohibited or repealed; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, each justice of the Supreme Court of the United States, each judge in the United States Court of Appeals for the Eighth Circuit, the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2011,  
at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State