

Introduced by

Representatives Kasper, Headland, Keiser, Thoreson, Weiler

Senator Wardner

1 A concurrent resolution reaffirming 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 follows:
6 "The powers not delegated to the United States by the Constitution, nor prohibited by it to the
7 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 and the powers of the federal government are limited
12 and enumerated; and

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

15 **WHEREAS**, many federal laws are directly in violation of the 10th Amendment to the
16 Constitution of the United States; and

17 **WHEREAS**, the 10th Amendment assures that we, the people of the United States of
18 America and each sovereign state in the Union of States, now have, and have always had,
19 rights the federal government may not usurp; and

20 **WHEREAS**, the United States Supreme Court ruled in *New York v. United States*,
21 112 S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and
22 regulatory processes of the states; and

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

1 **WHEREAS**, the Sixty-first Legislative Assembly affirmed this state's sovereignty under the
2 10th Amendment to the Constitution of the United States;

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

5 That the Sixty-second Legislative Assembly reaffirms this state's sovereignty under the
6 10th Amendment to the Constitution of the United States over all powers not otherwise
7 enumerated and granted to the federal government by the Constitution of the United States
8 and continues its demand that the federal government halt its practice of assuming powers
9 and imposing mandates upon the states for purposes not enumerated in the Constitution of
10 the United States; and

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

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

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