

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 innumeraed 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

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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 innumeraled 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.