

Sixty-first
Legislative Assembly
of North Dakota

Introduced by

Representatives Headland, Kasper, Koppelman, Nathe, Thoreson, Weiler

(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 federal laws are directly in violation of the 10th Amendment to the
15 Constitution of the United States; and

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

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

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

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

That the Sixty-first Legislative Assembly affirms this state's sovereignty under the 10th 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 demands 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, as our agent, 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, the presiding officer of each state legislative body in the United States of America, and to each member of the North Dakota Congressional Delegation.