



## 1995 SENATE JOINT RESOLUTION 18

March 15, 1995 - Introduced by Senators DRZEWIECKI, ROSENZWEIG, PETAK, BRESKE, FARROW, SCHULTZ and DARLING, cosponsored by Representatives PORTER, HOVEN, PLACHE, SCHNEIDERS, COLEMAN, MUSSER, HARSORF, UNDERHEIM, GOETSCH, JOHNSRUD, BRANDEMUEHL, LEHMAN, OURADA, ALBERS, NASS, SILBAUGH, AINSWORTH, HAHN, FREESE, DOBYNS, SKINDRUD, SERATTI, GROTHMAN, OWENS, WALKER, LAZICH, OTTE, ZUKOWSKI, HANDRICK, GUNDERSON, KELSO, F. LASEE, HUEBSCH and LORGE. Referred to Special committee on State and Federal Relations.

1     **Relating to:** state sovereignty.

2             Whereas, the 10th Amendment to the Constitution of the United States reads  
3     as follows: "The powers not delegated to the United States by the Constitution, nor  
4     prohibited by it to the States, are reserved to the States respectively, or to the people";  
5     and

6             Whereas, the 10th Amendment defines the total scope of federal power as being  
7     only those powers that were specifically granted by the U.S. Constitution and no  
8     more; and

9             Whereas, the scope of power defined by the 10th Amendment means that the  
10    federal government was created by the states specifically to be an agent of the states;  
11    and

12            Whereas, today the states are demonstrably treated as agents of the federal  
13    government; and

14            Whereas, numerous resolutions opposing federal encroachment on state  
15    powers have been forwarded to the federal government by the legislature without  
16    any response or result from Congress or the federal government; and

1           Whereas, many federal mandates are directly in violation of the 10th  
2 Amendment to the Constitution of the United States; and

3           Whereas, the U.S. Supreme Court has ruled in *New York v. United States, 112*  
4 *S. Ct. 2408 (1992)* that Congress may not simply commandeer the legislative and  
5 regulatory processes of the states; and

6           Whereas, a number of federal proposals from previous administrations and  
7 some now pending from the present administration and from Congress may further  
8 violate the U.S. Constitution; now, therefore, be it

9           ***Resolved by the senate, the Assembly concurring, That*** the state of  
10 Wisconsin hereby claims sovereignty under the 10th Amendment to the Constitution  
11 of the United States over all powers not otherwise enumerated and granted to the  
12 federal government by the U.S. Constitution; and, be it further

13           ***Resolved, That*** this joint resolution shall serve as notice and demand to the  
14 federal government, as our agent, to cease and desist, effective immediately,  
15 mandates that are beyond the scope of the federal government's constitutionally  
16 delegated powers; and, be it further

17           ***Resolved, That*** the senate chief clerk shall provide copies of this joint  
18 resolution to the President of the United States, the speaker of the U.S. house of  
19 representatives and the presiding officer of each house of each state legislature of the  
20 United States, and to each member of this state's congressional delegation.

21

(END)