

2007 DRAFTING REQUEST

Senate Joint Resolution

Received: **01/16/2007**

Received By: **smiller**

Wanted: **Soon**

Identical to LRB:

For: **Joseph Leibham (608) 266-2056**

By/Representing: **Greg Gasper**

This file may be shown to any legislator: **NO**

Drafter: **smiller**

May Contact:

Addl. Drafters:

Subject: **Memorials - miscellaneous**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Leibham@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

State Sovereignty

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	smiller 01/16/2007	wjackson 01/16/2007		_____			
/1			pgreensl 01/16/2007	_____	cduerst 01/16/2007	mbarman 01/17/2007	

FE Sent For: *none*

<END>

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/?	smiller	1/2 WJ 1/16	W 1/16 PS	1/16 PS	NN		

FE Sent For:

<END>

07-1512

Barman, Mike

From: Barman, Mike on behalf of LRB.Legal
Sent: Tuesday, January 16, 2007 7:59 AM
To: Miller, Steve
Subject: FW: Re-draft of 2005 resolution SR 17

From: Gasper, Greg
Sent: Monday, January 15, 2007 5:10 PM
To: LRB.Legal
Subject: Re-draft of 2005 resolution SR 17

Hello,

Could we please have 2005 LRB 4834/1, regarding state sovereignty, redrafted for 2007-08.

Thanks!

Greg Gasper
Chief of Staff
Office of Senator Joe Leibham

Greg.Gasper@legis.wi.gov
888.295.8750
P.O. Box 7882
Madison, WI 53707-7882

07-1512

SRM:WLj:

? JOINT

2005 SENATE RESOLUTION 17

SOON

~~March 21, 2006~~ Introduced by Senators ~~LEIBHAM~~ and ~~GROTHMAN~~. Referred to ~~Committee on Senate Organization~~.

1 **Relating to:** state sovereignty.

2 Whereas, the ^{SP initial cap} 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 ^{Tenth} 10th Amendment defines the total scope of federal power as being

7 ~~only~~ that specifically granted by the U.S. Constitution and no more; and

8 Whereas, ^{as} the scope of power ^{is} defined by the ^{Tenth} 10th Amendment ^{means that} the

9 federal government was created by the states specifically to be an agent of the states;

10 and

11 Whereas, today the states are demonstrably treated as agents of the federal

12 government; and

13 Whereas, ^{the legislature has forwarded to the federal government} numerous resolutions opposing federal encroachment on state

14 powers ~~have been forwarded to the federal government by the legislature without~~

15 ~~any response or result from Congress or the federal government; and~~ ^{but has received no}

STEP

STEP

Tenth

1

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

WA.

SP

WA.

2

3

Whereas, the U.S. Supreme Court has 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

6

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

8

9

Resolved by the senate, That the state of Wisconsin hereby claims 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 U.S. Constitution; and, be it further

(I)+(B) -> the assembly concurring ^

SP

WA.

SP

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Resolved, That adoption of this resolution does not constitute an application by the legislature of the state of Wisconsin for the calling of a federal Constitutional Convention within the meaning of Article V of the U.S. Constitution; and, be it further

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17

Resolved, That this resolution shall serve as notice and demand to the federal government, as our agent, to cease and desist, effective immediately, mandates that are beyond the scope of its constitutionally delegated powers; and, be it further

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

joint ^

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24

Duerst, Christina

From: Gasper, Greg
Sent: Tuesday, January 16, 2007 4:42 PM
To: LRB.Legal
Subject: Draft Review: LRB 07-1512/1 Topic: State Sovereignty

Please Jacket LRB 07-1512/1 for the SENATE.