

State of Misconsin 2009 - 2010 LEGISLATURE

2009 ASSEMBLY JOINT RESOLUTION 51

May 8, 2009 – Introduced by Representatives Nygren, Vos, Kerkman, Vukmir, Gunderson, Kestell, Strachota, Kramer, Meyer, Roth, Pridemore, Mursau, Kaufert, Newcomer, Bies, Friske, Gundrum, Nass, Tauchen, Townsend, Knodl, Petersen, Ballweg, Lothian, LeMahieu and M. Williams, cosponsored by Senators Leibham, Lazich, S. Fitzgerald, Grothman, A. Lasee, Darling, Kedzie and Schultz. Referred to Committee on State Affairs and Homeland Security.

1 **Relating to:** state sovereignty.

2 Whereas, the Tenth Amendment to the Constitution of the United States reads 3 as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; 4 5 and 6 Whereas, the Tenth Amendment defines the total scope of federal power as 7 being only that specifically granted by the U.S. Constitution and no more; and 8 Whereas, the scope of power defined by the Tenth 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, many federal mandates are directly in violation of the Tenth Amendment to the Constitution of the United States: and 14

1	Whereas, the U.S. Supreme Court has ruled in New York v. United States, 112
2	S. Ct. 2408 (1992) that Congress may not simply commandeer the legislative and
3	regulatory processes of the states; and
4	Whereas, a number of federal proposals from previous administrations and
5	some now pending from the present administration and from Congress may further
6	violate the U.S. Constitution; now, therefore, be it
7	Resolved by the assembly, That the state of Wisconsin hereby claims
8	sovereignty under the Tenth Amendment to the Constitution of the United States
9	over all powers not otherwise enumerated and granted to the federal government by
10	the U.S. Constitution; and, be it further
11	Resolved, That this resolution shall serve as notice and demand to the federal
12	government, as our agent, to cease and desist, effective immediately, mandates that
13	are beyond the scope of its constitutionally delegated powers; and, be it further
14	Resolved, That the assembly chief clerk shall provide copies of this resolution
15	to the president of the United States, the speaker of the U.S. House of
16	Representatives, the presiding officer of each house of each state legislature of the
17	United States, and each member of this state's congressional delegation.

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(END)